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2 12 March
Ringgold

No. 112.

Consulate of the United States of America
Havana, Jan: 23. 1840

Hon: John Forsyth
Secretary of State.

Sir,

With a view to answer an enquiry in regard to the sale of two American vessels which were despatched from hence to the coast of Africa about a year ago, I was, last evening, engaged in turning over the leaves of the record-book of this office, appropriated to Bills of Sale, when my eye was caught by one that made me aware of an omission in the account given by me (No. 65. Jan: 20. 1839) of the case of the ship "Venus." This, I hasten to supply.

On turning to that account, it will be perceived that no mention is there made of the sale of the "Venus" to Wm M. Phillips; but only of his having been appointed master by Wm Wallace, the master who brought her here, and endorsed as such upon the Register.

In the record-book, however, I find that subsequently to the endorsement of Phillips on the Register,

(which

which endorsement was made on the 9th of August 1838) a Bill of Sale ~~was~~ to him was executed on the 23rd of August 1838, by Charles Drake & Co, as attorneys of Lambert Fittings of Baltimore, under letter executed on the 9th of July 1838, before John Gill, Notary Public. — This letter of attorney, (the original) I now transmit: (Enclosure No. 1.) retaining a copy thereof. On reference to the semi-annual return, it will be seen that the day on which this Bill of Sale was passed is the same on which the vessel was cleared at this office by the delivery of the Register to Phillips. The Vice-Consul states, further, that to far as his recollection can be relied on, the sale took place subsequently to said clearance.

The consequence acquired by the sale of the "Ocean" renders it particularly mortifying, that in making a Statement of that sale such an omission should have occurred. This mortification would be extreme, were it not perfectly evident that the omission cannot have been intentional. In the first place, no motive whatever that will bear examination can be conceived for a wish on the part of a Consul to conceal the fact that any vessel was thus sold; and

~~Secondly~~ in the second, admitting a motive of the kind to have existed, it must be shewn to have been of very extraordinary weight, indeed, before it can be supposed to have overbalanced the one objection, (to say nothing of any other) the utter hopelessness of suppressing such a fact in regard to a case which I, at the very moment, was suggesting a governmental enquiry into.

I will add a word of explanation in regard to the manner in which this omission occurred. In my letter of September 7th–12th 1838, on the subject of the Archives-business, I mentioned an attack of fever experienced by me a few weeks previously. That attack had come on in the night of the 17th–18th August, as I ascertain from the endorsement made by me on a note from the Vice-Consul under date the 21st of that month: which note, (the original) I now transmit, (Enclosure No. 2.) containing a copy.

(It is transmitted because, at the same time that it relates in part to the very subject now before us, the ship "Venus", it also speaks for itself as a faithful illustration of the ordinary current of business in my office, — of the constant communication between the Vice-Consul & myself in relation thereto, — and of the utter falsity of the so bandied charge of neglect of its

due=

duties: a charge which, having no other origin than the
amities excited by the earnestness with which I have de=
voted myself to them, had no other basis than the mere
absence of my body from the Consulate at a time of
day when there is a natural tendency to its becoming
a daily lounge, and consequent disappointments in
seeing me, on the part of persons who, either without
having any business at all with my office or such
business only as it is indispensable should be dis=
charged by an assistant, would consume the best part
of every day & thus prevent my attention's being
given to the subjects that demand it.)

From these dates it will be seen that
the 23rd of August 1838, the day on which the Bill of
Sale of the "Venus" was passed, was one of the first
days of my convalescence from an attack of fever
occasioned entirely by mental fatigue in the dis
charge of my duties. The fact of this sale was,
no doubt, mentioned to me immediately after. Per=
haps, even, the certificate authenticating the Deed
was signed by myself. When, however, six months
afterwards, in the ensuing January, I had occasion

to

to write a Statement of the case, the Sale had alto=
gether escaped my recollection; and it so happened
that in the enquiries made by me on that occasion
of the Vice-Consul, in regard to the particulars
& dates which could be positively ascertained only
by reference to the entries made by him, nothing
occurred to suggest to him the necessity of remind=
ing me of the Bill of Sale which had been passed
subsequently to the material occurience (the ap=
pointment of Phillips as master, and the corres=
ponding endorsement upon the Register) whereby
the custody of the vessel, together with the right
to demand & receive her documents, had been first
transferred to the same individual.

To judge from the circumstances, this
is the obvious explanation of my omission on that
occasion, to mention the fact of the Sale in con=
nection with the other particulars stated by me.
Had it been adverted to by me, it would have been
mentioned; and had the Vice-Consul been aware that
it was not thus adverted to, he would have called

my

my attention to it.

I am, Sir, very respectfully

Yr. Obs. Servt.

A. P. Hill.

Smith, S. H.
rec.d Aug. 21. 38
~~I had been taken with fever friday night Aug. 17. 38~~

My dear Sir,

The enclosed Oficio (a) I opend & read the contents, I am surprised at the result of the investigation.

The seamen of the Kremlin are very anxious to Ship, they fear getting sick, but on enquiry, they want to go in the Ship "Venus;" (b) the contract runs thus "from Havana to one or more ports on the gold coast of Africa and from thence to Bahia where the voyage ends."

Cap Phillips of Baltimore commands the "Venus," he tells me that he gives her up on her arrival at Bahia, and gives more wages in consideration of the crew being discharged at Bahia.

The men of the Kremlin are willing to take their chance of recov.g the wages due them;

(a) The "oficio" here referred to was the official letter from

(b) This remark has reference to a rule which I had established, that no sailor who had come under my cognisance as an american citizen should Ship in any vessel for the coast of Africa, whether under the American flag or not. It was a sketch of power on my part; but it was indispensable to prevent them from constantly putting their necks into the halter.

N. P. S.

it appears the $40 p month to go in the Ship "Venus," is the inducement. (c)

The Schooner "North America" is liberated, or otherwise the Supercargo.

Capt Foque says he is still willing (as I understood him) to settle with the crew as you say, but must protest.

I hope you are much better; there is nothing new.

Your ob.t Serv.t

J. A. Smith

Aug 21st past 2 Clock P.M.

The Captain General, under date August 21. 1838, informing me of the decision in the case of the men of Brig "Pearl" of Boston. N.G.

(c) They were not allowed to ship in her; and were exceedingly wroth on the subject.

vana Consulate No. 112. Enclosure No. 2.

Havana Consulate No. 112. Enclosure No. 1.

Copy ale

United States of America,

STATE OF MARYLAND,—TO WIT:

Duplicate

Be it known, That on the Ninth day of July One thousand Eight Hundred and Thirty eight before me, JOHN GILL, Notary Public, dwelling in the *City of Baltimore*, in the State aforesaid, came

J. Lambert Gillings

below named, and acknowledged the following Letter of Attorney to be his Act and Deed.

In Testimony Whereof, I have hereunto set my hand and affixed my Notarial Seal, the Day and Year aforesaid.

Jn. Gill Notl

Know all men by these Presents, That J. Lambert Gillings of Baltimore, owner of the Ship or Vessel called the Venus of Baltimore of the burthen of 466 Tons or thereabouts, whereof Wm Wallace is at present Master do make, constitute and appoint Messrs Charles Drake & Co of Havana, my

true and lawful Attorneys for me and in my name to receive and give receipts for the balance of Account due to me from Edward Santos & J. Vieira dos Santos & on payment thereof to transfer said Ship Venus & Appurtenances in due form of Law to Jose Magorra or such other person or persons as the said Edward Santos & J. Vieira dos Santos may direct

with power also an Attorney or Attorneys under them for that purpose, to make and substitute, and do all lawful acts requisite for effecting the premises; hereby ratifying and confirming all that my the said Attorneys or my Substitute or Substitutes, shall do therein by virtue hereof.

In Witness Whereof, I have hereunto set my hand and affixed my seal the Ninth Day of July in the year of our Lord, One Thousand Eight Hundred and Thirty Eight

SIGNED, SEALED AND DELIVERED, IN THE PRESENCE OF

Jn. Gill Notl

Wm H. Gams

J. Lambert Gillings

William B. Randolph to the Secretary of State.

24 Feby
Mr Ringgold

Washington City
January 30. 1840.

Hon. John Forsyth
Secy of State.

Sir,

I have the honor to enclose a copy of sundry questions propounded by Nicholas P. Trist. Esq Consul of the US. at Havana, in relation to Mr John A. Smith, Mr. Edward Spaulding and Mr William S. Bruce, with the answers of Mr. Chas W. Storey of Salem, Mass. thereto.

Very respectfully
Your Obed Servt
Wm B Randolph

~~Rec'd with Mr. Randolph's letter of Jan 30. 1840~~

Wm B. Randolph to the Sec: of State. Enclosure No. 1.

Questions

to be put to

Charles W. Storey Esqr. of Salem, Massachusetts, formerly of the house of Scull, Storey & Co. of Havana.

1 Of what place are you a native?

2 Have you resided at Havana?

3 How long, and at what period or periods?

4 Have you visited the place since you ceased to reside there? (If yea, state when)

5 Do you consider yourself conversant with the character of the American population of the place?

6 Are you personally acquainted with Mr. John A. Smith, now Vice-Consul of the United States at Havana?

7 How long have you been so?

8 Have your opportunities been good for forming a correct estimate of his character?

9 What opinion do you entertain of him in regard to the following qualities, viz,

1 Probity.

2 Discretion.

3 Moderation, forbearance and good-temper.

4 Kindness of disposition and obligingness

10 Do you know any one less likely to approve of oppression or insult, practiced by an American Consul upon any fellow citizen, whether a Shipmaster or a Sailor? or in any way to take sides with a Consul capable of so conducting himself?

11 —

11 To the best of your knowledge and belief, in what estimation is he held among the respectable American citizens at Havana, or in the habit of visiting that place?

The same questions, from N.° 6 to N.° 11 both inclusive, to be severally put in regard to:

1. M.r Edward Spalding of Connecticut merchant at Havana.

2. M.r Wm. S. Bruce of Boston, Wharf Clerk of the house of De Coninck and Spalding of Havana.

Commonwealth of Massachusetts

Ss. Jan 22d 1840. Then personally appeared Charles W. Storey who has attached his signature to the answers to the above interrogatories and made oath to the truth of the same

Before me George Lunt Just. Peace.

Answer 1. I am a native of the State of Massachusetts. U. S. A.

" 2. I have.

" 3. I resided in Havana from the year 1824 to the year 1834, with the exception of occasional visits to the United States varying in length from three months to two years.

" 4. I have. My last visit was in the early part of the year 1838.

" 5. I think I am.

" 6. I am personally acquainted with Mr. John A. Smith, who was Vice Consul for the United States at Havana when I was there in the year 1838.

" 7. For Ten years or more.

8. They have.

9. I consider him a gentleman of perfect probity, of sound discretion and almost unexampled kindness of temper.

10. I consider him a man who would use every proper method to show his disapprobation of such conduct.

" 11. As a gentleman of unimpeachable uprightness of character.

The questions from No. 6. to No. 11. both inclusive were put in regard to the abovementioned Messrs. Edward Spalding and Wm. S. Bruce and the answers given were in every particular the same as those given in regard to Mr. John A. Smith.

Chs. W. Storey

Rec'd 12 March 1/2 Register sent to the Register of the Treasy
Mr Kingsold No. 113.

Consulate of the United States of America
Havana, Feb: 15. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

On the day before yesterday, a letter was delivered at this office by Capt. White of the Brig "Midas," just arrived from Baltimore, the only appropriate notice of which seems to be its immediate transmission to you, with a statement of the real facts, for which captain Bailey seeks now to substitute a coinage of the brain, suggested by the strait into which his course has led him. I send the original, (Enclosure No. 1.) retaining a copy.

His assertion, that "all the papers of sale (were) prepared and executed in (my) office, and by (my) advice & instruction," is a pure fiction. No paper of sale was so prepared or executed. Nothing of the kind occurred. All that did take place at this office, or to the knowledge of either myself or the Vice-Consul, is seen on the face of the semi-

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annual Return and Accounts for the latter half of
1838.

On turning to the former, it will be seen that
the Schooner "Hazard" of Baltimore entered here on
the 7th of September and cleared on the 10th of October
for San Tomé (coast of Africa) under a new master,
Rutledge Baker.

On turning to the document accompanying
the Account for destitute Seamen, entitled "Abstract
of monies received from Masters of American vessels,"
the Government will be seen to be credited with one
month's wages at $16, for William Johnson & John
White, two seamen discharged from the Schooner "Ha-
zard" of Baltimore.

The Crew-List (which, agreeably to law,
must be recorded in the Custom-House at Baltimore)
will show that Rutledge Baker, who is stated in
the Return above referred to to have been appointed
master, came out in the "Hazard" as mate of that
vessel.

An appointment of this kind is never made,
except by the master who arrives in charge of the
vessel, or some other representative of the owner,

one

empowered to that effect. In a case where the sudden death or disappearance of the master should create a necessity for such an appointment, and no representative of the owner should be present, the Consul would, if the interests at stake required the vessel to proceed to sea before the owner could be heard from, of necessity take that charge upon himself.

It scarcely ever happens otherwise than that the appointment is made by the master who arrived in charge of the vessel. In the present case, neither the Vice-Consul nor I can positively recollect that it was the act of Capt. Bailey, and not of the consignee. The probability arising from the ordinary course of things is exceedingly strong that it was the act of the former, and of him alone. That it had his entire concurrence is conclusively established by the fact that the person appointed was his own mate, unless he can prove that that mate was discharged according to law, or was reported by him as having unlawfully severed his connection with the vessel by desertion.

Instead of any such proof being possible, the reverse will be established, so far as this nega-

tive

time it of a nature to admit of proof, by the receipt and the certificate which he must have taken in regard to the part of his crew discharged by him: the former of which was a necessary voucher to his account with his owner for the three months' extra wages (amounting to $96) paid on the two seamen; and the latter, legally indispensable to establish at the Custom House in Baltimore the fact of their lawful discharge. From the obvious convenience to both parties, the established practice is, to embrace the entire sum paid on such an occation in one & the same receipt, and the names of all the persons discharged in one & the same certificate. Not only, therefore, is it impossible for Capt. Bailey to produce any document from this office going to show that the connection of the mate with the vessel was severed; but it cannot but have happened that he has produced to his owners & to the Custom House, documents which establish, so far as this negative admits of proof, that it was not severed.

On turning to the memorandum-book kept by the Vice-Consul for noting down the discharge of seamen, & other occurrences regarding them, there appears one, showing in what way

the

the crew brought to this port by the "Hazard" were dis=
posed of and accounted for. It runs as follows:

"Havana 17. Sept. 1838.

"Schooner Hazard Capt. Bailey, owner Jones & Frazier Baltimore.
Russell Barker, Mate, american, on board appointed Master.

William Johnson	Ditto	$16
Monro D. Perkins	Ditto	deserted
John White	Ditto	$16
Geo: Foley	Foreigner,	disch.d
Charles Green		deserted. "

This entry is a minute of the particulars
requisite to be known at the Consulate in regard to
the men. They are derived from three distinct sour=
ces: the master, the crew-list, and the ship=
ping articles. The first gave the information that
his mate was to remain on board as Master (either
having been, or being about to be, appointed and
endorsed on the Register as such), — that two of
the men had deserted, — and that the remaining
three were to be discharged. The Crew-List was
then examined, (being procured for that special
purpose from the Captain of the Port's, where the
regulations require it to be kept) to ascertain
the national character of these three, with refer=

ence

once to the three months extra wages. And, two of them being there let down at American citizens (upon whom consequently the extra wages were to be paid) the Shipping-Articles (the exhibition of which by the captain was required for this purpose) were then examined to ascertain the wages at which these two had shipped.

This is all that occurred at the time in regard to this vessel. There was nothing to distinguish the case from any other of the sort: called, that is to say, in regard to which no one doubted that a transaction in the nature of a sale had taken place, but no one except the parties knew anything of its precise nature; in regard especially to the particular wherein it fell short of being consummated: whether any, or if any what part, of the purchase money had been paid here, — whether the delivery had actually occurred here, and the evasion of the law was to extreme as to consist in nothing but the omission to pass the Bill of Sale, — or whether payment had been stipulated to be made after delivery on the coast of Africa, and the evasion consisted in there postponing the change of ownership.

This

This is all that happened at the time. But recently, that is on the 6th inst., seven days be=fore the receipt of Capt. Bailey's letter, the half of the Register of the "Hazard" now enclosed (Enclosure No. 2.) was brought to this office by Don Pedro Manegat, the person named by Captain Bailey as the purchaser; (and in regard to whom, no doubt, there were at the time abundant indications of his being so, nor at least the party to some such transaction as I have just spoken of: for concealment in regard to them was so little practised, or indeed practicable, that, although to any legal purpose no one could say that he positively knew aught about them, yet their character was always matter of perfect notoriety "on 'change.") This person stated that the master, Russell Barker, having died on the coast, the Regis=ter had been cut in two, in order to prevent its being made an improper use of; and he wanted a certificate attached of its delivery. He was told to bring the other half, & the certificate would be attached; but it was deemed proper to retain this one for transmission to the government.

He has not returned. On the day

be=

before yesterday, a few hours after the receipt of Capt. Bailey's letter, a stranger called at this office, and upon being told, in answer to his enquiry, that I was the Consul, produced a letter from Capt. Bailey to Mr. Salazar, a merchant of this place, with a request from the latter that I would give it a perusal. Upon my glancing at it sufficiently to see that it had nothing but fiction for its basis, and my telling him so, he enquired if I could inform him "in what Escribania (Notary's office) the Bill of Sale had been passed, & ~~that the Register had gone to the coast~~ where the Register was"; to which I replied that I was satisfied that no Bill of Sale has been passed, & that the Register had gone to the coast of Africa in the vessel: part of it had recently been delivered to me, and would be transmitted to Washington. He then said that the purchaser of the "Hazard" (of which, as now for the first time came to my knowledge or recollection, Mr. Salazar had been the contignee) having given to me (the Consul) bonds in a heavy penalty for the safe return of the Register, had, some time ago, applied to Mr. Salazar to have those bonds cancelled. Pointing

ing out to him the contradiction in this story of an application to W. Salazar to have bonds cancelled which had been given to me, I told him that the whole thing was an absurd falsehood, and returned capt. Bailey's letter, which he took, as I intended it should be, as an intimation that we had had conversation enough on the subject.

I am, Sir, very respectfully,

Your Obed't.

S. P. Hill.

Rec^d 13th Feby 1840 –

No. 2 Trist Esqr. Baltimore January 13th 1840

Havana Consulate No. 113. Enclosure No. 1.

Dear Sir,

In consequence of your omitting to forward or account to the proper department at washington for the Schoone Hazard's Register & Roll Mr Frick the collector of this Port has thought proper within the last month past to institute suit on behalf of the United States, against the owner of the Hazard, Capt. James Frazer, & myself, for the Bonds on the above named documents amounting to $1200 & $400. say for both, sixteen Hundred Dollars besides costs of Suit & Lawyers fees amounting to not less I presume than $800 or a $1000 more, this being an unexpected thing. I hope you will see the indispensible necessity of forwarding or accounting for those documents, to the department at Washington or the Collector of this Port without delay, you are aware that the Hazard was sold to a person by the name of Managatt & all the papers of Sale prepared and executed in your office & by your advice & instruction, here I have been unable to prove that the sale was made & executed in your office, as I was a party implicated & the Court would not admit me in evidence, otherwise the Jury would have gave a verdict in our favour under the instruc of the Court

I hope Sir, you will see from the above statement the unpleasant situation we are placed in & the necessity of forwarding or accounting for the Hazards Papers, as early as possible otherwise I shall be compelled to ask relief from Congress, as I am unable to comply with the mandates of the Court and will

therefore have to ask relief from that quarter
Our amiable and accomplished Collector Mr Wm Frick
had some renegado of a British officer brought here
to endeavour to stamp upon us the odious crime of being
concerned in the Slave Trade, who swore on the stand, that
he saw the Hazard a prize to a British Cruiser at Serra
Leon that she had the American Flag flying & that her
American Papers were in the Prize Court of that place, but
on his cross examination, stated that he had not seen her
papers, but heard they were in the prize Court, this Officer
& our Colector were the only evidence advanced; a fine
specimen of your so much boasted Liberty, of equal laws
& equal rights; here we were almost tried for our lives
and not allowed to open our mouths to explain, while
our prosecutor & accuser was brought on the stand and
gave what evidence suited him, & surpressed what he
did not wish to disclose or could not remember; such
equal laws & justice as this I consider a mere farce
a shadow without a substance, a compleat mockery
of every thing like impartiality

Respectfully I remain your Obt. Servt.

Edwin Bailey

To the

American Consul

Havanna

Capt. White
Brig Stiles

No. 114.

Consulate of the United States of America
Havana, Feb. 17. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

On the 1st inst, the Ship "Elizabeth", owned in New Orleans, bound from Laguna to Marseilles with a cargo of logwood, put in here in distress, having sprung a very serious leak. The master, on coming to this office, and producing the document under which his vessel was navigated, remarked that he had been told since landing, that I would not clear him under the american flag, and requested to be informed if this were true, in order that he might write to his owners by the Steamer "Natchez" which was to leave that afternoon for New Orleans.

After reflecting a few moments, I determined upon making a distinction in favor of this vessel, grounding it upon the fact that it was a bona fide case of put=

ting

ting in in distress: a ground of distinction which it attended with no danger, and which, indeed, there is but little chance of the occurrence of at all, before Congress shall have regulated the subject. It has, of course, subjected me to a good deal of criticism. But that, I care nothing about.

The reason which really governed me on this occation was, that agreeably to the light in which these cases have presented themselves to me, the Government is bound to indemnify all sufferers who have had the agency of its officers in clearing under the american flag vessels whose right to navigate under it another of its officers refuses to recognize. I deemed it my duty, therefore, not unnecessarily to multiply those cases.

I enclose (Enclosure N.1.) a facsimile, so far as one could be made, without copying out all the papers, of the Bill of Sale and af=

appendages, that constitute the document under which the "Elizabeth" is navigated. Of all that I have seen, it is the greatest curiosity as a navigating document for a vessel under the flag of a Sovereign State.

I am, Sir, very respectfully,

Yr Observt.

N. P. Phill.

P.S. The "Elizabeth", after undergoing repairs, cleared on the 10th inst. for Marseilles.

N. P. P.

Havana Consulate No. 114. Enclosure No. 1.

A Bill of Sale, of "the Ship Elizabeth about 409 tons burthen", by "Frederic Buitton, Sheriff of the Parish of Orleans in the State of Louisiana." The instrument described the said Sale as having taken place at Auction, in pursuance of a suit of Abijah Fisk & B. Marechal, and a suit of Wm R. Turner & P. L. Chevalier & B. Marechal; and the purchasers as having been "J. W. Zacharie & Co, a commercial firm, trading in this city, and compoted of James W. Zacharie and Theodre Zacharie." — Price, "Eight thousand and three hundred dollars, payable one third cash, and the balance in two equal instalments at six & twelve months credit for good endorsed notes."

This Bill of Sale,

oc =

occupying

two

British Consul's Office
New Orleans.

Authentication of the signature of "His Excellency Edward D. White, who certifies to the annexed documents under his hand & official seal, & countersigned by the Secretary of State, as Governor of the State of Louisiana" to the

(Signed) John Crawford.

two pages and about one third of a printed foolscap form, it signed as follows:

"In Witness whereof, I have hereunto signed my name at New Orleans, in the said State of Louisiana, this Seventh day of September in the year one thousand eight hundred & thirty-eight, and the sixty second year of the Independence of the United States.

Fred: Buckton
Sheriff of the Parish of Orleans.

Signed in presence
of Fleury Generelly
L. Gatigny

Seal of the Br: Consular

Then follows a certificate, headed,

"State of Louisiana
First Judicial District Court"

to the effect "that the foregoing deed was on the day of the date hereof (September 7. 1838) duly recorded in the office of the clerk of this Court, according to law, in Deed Book E. page 85."

P. LeBlanc
Cy Clk.

Seal of First Jud: Dist: Court. State of Louisiana

This

This certificate of the Clerk is followed by one from "A. M. Buchanan, Sole Judge of the First Judicial District Court of the State of Louisiana," to the effect, that "Prosper De Blanc is Deputy Clerk of the said Court" &c &c. and "that the Commercial Firm of L. W. Zacharie & Co. established in the city of New Orleans & purchasers of the ship Elizabeth mentioned in the foregoing deed, is composed of James W. Zacharie and Theodore Zachaire, both citizens of the United States, & residing in the city of New Orleans, State of Louisiana aforesaid, and well known to me, the undersigned judge.

"Given under my hand & seal at the city of New Orleans this 8th day of September in the year of our Lord One thousand eight hundred & thirty eight

A. M. Buchanan. [Seal]

Don Antonio Argote Villalobos.
Consul de Su Magestad Católica
Para el Estado de la Louisiana
Con residencia en la Nueva Orleans.

Authentication of the Signatures of W. C. C. White,
Governor of this State of Louisiana, & of W. W. C. C. Claiborne,
Secretary of the same State. &c &c &c.

(Signed) Antonio Argote Villalobos.

V= Consulado Mexicano
en
Nueva Orleans.

Authentication of the signatures of W. C. D. White, Governor of this State of Louisiana, and of W. W. C. Claiborne, Secretary of the same State. &c &c.

(Signed) Salvador Prats

A Printed Form, Certifying that Edd: Britton
& A. M. Buchanan whose names are subscribed to the instru=
ment of writing herein annexed were at the time of signing the
same, and are now, the first, Sheriff of the Parish & City of New=
Orleans, and the last, sole Judge of the first judicial District
Court of the State of Louisiana" &c &c.

Given at New Orleans, under my Hand
& the Seal of the State, this 8th day
of September 1838, & of the Independence
of the United States, the 63rd

(Signed) E. D. White

State of Louisiana

Union & Confidence

By the Governor

(Signed) Wm C. C. Claiborne

Secretary of

Ans. 17 Feby And. Enclosures returned.
Mr Ringgold

Treasury Department
Feby 17th 1840

Sir,

I enclose herewith, for your perusal a letter this day received from Hon J. Thompson dated "House of Reps Feby 15th 1840" with its enclosure, and have to request that you will furnish me with the information necessary to answer the enquiry contained therein, if, in their possession of your Dept.

I am, Very Respectfully,
Yr. Obt. Servt.
M. C. Young
Chief Clerk

Aaron Vail Esq
Chief Clerk, State Dept.

? 12 March
Nicaragua

No. 115.

Consulate of the United States of America
Havana, Feb: 19. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to acknowledge the re=
ceipt to-day, of your favor of the 1st inst.—
The departure of W. Smith & myself shall
be timed as is therein suggested. The illness
of my clerk, Mr. Crutve, who had been con=
fined to his bed many weeks, with the serious
disease termed white Swelling, in his Knee,
(and the doctor cannot say when he will be
on his feet again) has proved the cause of
much waste of my time in various ways be=
sides the loss of his services as copyist. I
have had the good fortune (at this busy season)
to obtain those of another person, who happen=
ed to be out of employ; but he too is in del=
icate health, new at every thing, and hired at

such

such a distance from the city (5 miles) that his time can be given to me only during office-hours, from 9 to 3, when it is to be taken up with the current business of the office (whereof it is so important that he should acquire a knowledge) that he is of scarcely any use to me in the many things I have to do.

I am, Sir, very respectfully,

Yr Obt Servt.

L. Phillips.

Rec'd 25 Feby

Mr [redacted] Rodgers

House of Representatives
Febry 23. 1840

Sir

The House of Representatives has directed the committee of commerce to inquire respecting certain charges of official misconduct against Mr Trist now or late consul of the U.S. at Havana in the Island of Cuba.

I beg leave Sir, to inquire whether Mr Trist is now in office, and also whether any and what measures have been taken to inquire concerning the charges heretofore made against Trist and brought to the notice of the President of the U.S. by certain ship masters and other citizens of New York City.

Very Respectfully
Yours
Edward Curtis.
Chr Committee Com:

Hon
John Forsyth

N. P. Trist

Consul at Havana
Enquiry relative to Charges

Stribl
Mr. Curtis.

Feby. 26. 1840

Ex 18 March
Mr Ringgold

No. 116.

Consulate of the United States of America
Havana, Feb: 28. 1840.

Hon John Forsyth
Secretary of State.

Sir,

Referring to my No. 113, I now enclose the second half of the Register of the schooner "Hazard", which was brought to this office on the 20th inst, by a person unknown, for the purpose of having a certificate attached. Don Pedro Manegat having called for it, I desired to be informed, in order to write the certificate, whom I should name as the person who delivered it: whereupon he said that he would leave it with me.

I am, Sir, very respectfully,
Yr Obsevt.
N. P. Hill.

2 15 March
Mr Ringgold

Mr Ringgold
Enclosures Nos 1 & 3 sent to Mr Stevenson – Copies retained
Log Book also sent to Mr Stevenson

No. 117.

Examined

Begin

Copy all but P.S.

Consulate of the United States of America
Havana, Feb. 29. 1840

Hon: John Forsyth
Secretary of State.

Sir,

The recent arrival from the coast of Africa of the Brig "Douglass" of Duxbury, Alvin Baker master, has reminded me of some documents which I had prepared so far back as November last for the purpose of transmitting them, as would long since have been done, had they not, though repeatedly thought of, yet been as often driven from mind by the numerous objects claiming my attention. The delay originated in my wish that they should be accompanied by the statement of John Hutton, mate of the Brig "Mary", a very intelligent, and, so far as I could judge, truth-telling young mariner. For the purpose of reducing to writing a number of particulars mentioned by him in conversation, I repeatedly appointed a time for him to come to my office; but he always found

me

me engaged in a manner that rendered a postpone=
ment unavoidable, and finally he left without its
having been possible for me to carry that design into
effect.

Of the documents now transmitted, one (Enclo=
sure No. 1.) is a literal copy of a Declaration & protest,
made by David Tomlinson, master of the Brig "Mary" of
New Orleans, against the commander of H. B. M.'s Brig
Forester; by whom, as will be perceived, he was captured
& taken to Sierra Leone: his detention in the deadly cli=
ate of the coast of Africa being thereby sufficiently
prolonged (particularly when connected with the vexa=
tion & anxiety of mind consequent thereon) to turn the
scale against his escape with life from the risk en=
countered by all white men who venture into it. This
protest, as will be seen, is signed by the mate, the 2cd
mate & three of the crew. I personally examined the
mate, John Hutton, and two of the crew, John Boals
& John Irvine; and the result was that the state=
ments contained in the protest were corroborated as
fully as they possibly could be by their testimony.

A second (Enclosure No. 2) is the
Log-Book of the "Mary," kept by the aforesaid John
Hut=

Hutton, from her leaving this port on the 21st of June to her return on the 12th of November 1839. 2 This will be found some of the details obtained orally from the mate & seamen, and which serve to complete the out= line begun in the captain's protest. On the 18th of August, when in sight of Cape Mount, which is within 25 or 30 miles of the Gallinas, where her cargo was to be delivered, the "Mary" was captured by the For= ester. Taken to Sierra Leone, the prize-court, on the ground that she was an American vessel, refused to exercise jurisdiction over her. Of this, they were in= formed at 3. P.M. on Saturday the 24th of August; at which time they received orders to leave port by 1. P.M. on the day following, with a notice that if they delayed beyond that time, they should be seized. The "Mary's" pa= pers were yet in possession of the Commander of the Forester, as were also five of her crew; and she had not a proper provision of either wood or water for put= ting to sea. At half past 3, possession of the "Mary" was restored to Captain Tomlinson by an officer who visited her, bringing with him a portion of her papers,

and

and four of her crew. At 10. A.M. on the following day, an officer came on board with the remainder of the vessel's papers, but without the fifth man (the steward) belonging to her: whereupon, in consequence of the notification from the court, they weighed anchor & made all possible speed out of the harbour; putting to sea in so unprovided a state, with regard to both wood & water, as no vessel should venture out in. On the 30th August, they reached Gallinas, where captain Tomlinson wrote & they signed the protest: he being then on shore, with the fever, of which he subsequently (the 23rd September) died, on the return voyage.

Another American ship-master, who was detained at Sierra Leone, contrived to make his escape from thence in the "Mary." He also died on the passage.

Among the particulars stated by the mate (in presence of the men, who likewise affirmed it) was one which bore the stamp of truth upon its face in a manner unsuspected, probably, by the narrator; who can scarcely be supposed to have been aware that among the articles of "equipment", which, under the treaty-stipulations between G. Britain & Spain, are

def-

sufficient to condemn a Spanish vessel, hand-cuffs are committed. The occurrence, as related by him, was as follows: "One of their men (of the "prize-crew") came aft with a pair of irons which he had found in the town; such as our vessels always carry in case a man proved unruly: we had no occasion to use them, sir, but it's as well not to be unprovided. He flung them on deck. There, says he, there! That's enough to condemn ye, and make ye our lawful prize." Summary exter= tion, this! to vessels under the flag of the non-con= senting, refractory American Government, of a provi= sion which exists as to Spanish vessels, in consequence solely ~~in consequence~~ of the free consent & agreement of the Spanish Monarch. The incident, however, is in perfect keeping with all that we here learn of the body of doctrine whereby the department of State Af= rican-station cruisers, & of some nearer home, is governed towards vessels under the American flag: whether rightfully, or fraudulently; whether pursuing an employment, for which even American cruisers would have no right to interfere with them, or one which, to an American cruiser (but to an Ameri= can cruiser only) would afford just ground for cap=

capture. From all accounts, officers & men, seem to be full of the notion that the rules which they have obtained Spanish leave to enforce upon Spanish vessels apply to American vessels, all the same; that if one cannot carry a cooking apparatus or a water-cask beyond a certain size, neither can the other; and that the same right obtains in them to search either, and turn the cargo upside down in quest of prohibited articles!

A circumstance which added greatly to the weight of the testimony given by these men was, that they spoke without asperity of their captors. The prize-master, M^c^Pherson, they informed me (upon being closely questioned, with a view to discover their frame of mind) was not a member of the temperance Society, — he did drink, but not to excess, — he did not get drunk, as did the rest of the prize-crew, and he treated them well. "He was doing his duty, Sir; he could not help it."

Before quitting the subject of the "Mary," I will add, that (although the violation of principle in regard to the Right of Search would be the same, had she been the sharpest of clippers, with her hold full of Slaves) the treatment experienced by her is the more inexcusable, from her being a clumsy Brig, utterly unsuitable for a Slaver, and manifestly unfit for

no=

nothing but the employment in which She was engaged: the carrying of cargo; and that, too, a cargo which, very possibly, might have been made up entirely (excepting only the aguardiente and tobacco) of merchandize brought to this place from England; which all concur in saying is exported all the year round direct from England to Africa, and supplies of which are constantly furnished to the Slave-factories from Sierra Leone itself: the very seat of that prize-court before which the "Mary" was dragged when within sight of her port of destination. So manifestly did this "clumsy", dull, merchant character belong to the vessel, that I deem it in the highest degree probable that She was to let down, even in the reports of those agents of the British Government here, who find it convenient to swell their lists of "American Slavers" by embracing in them every vessel under our flag that clears for Africa; although it may be ever so notorious that she is employed solely to deliver a cargo there, which an English vessel may carry from Liverpool, but which a poor Spaniard dare not be freighted with. Those reports, not unfrequently, I believe, describe the appearance of the vessels.

Enclosure No. 3. is a letter addressed to

me

me, at my request for a written statement, by Captain Wm A. Hickling, who, it will be seen, refers to "the Honble Wm Prescott, and professor John W. Webster of Cambridge." On meeting him last evening, he told me that he had taken, or was about to take, a cargo for the coast of Africa, and wished to be informed whether the American flag could count upon protection there now, and an american ship-master upon having his vessel overhauled by his own countrymen, who had a right to examine him, instead of having to submit to insult from foreigners who had none.

The arrival of Captain Baker, which had proved the cause of this communication's being made now, had disclosed another of those cases, if not of consummated, consummated, at least of more than half, murder upon an american citizen engaged in as perfectly lawful a calling as if he had gone with a cargo of sugars to the Baltic. A few months ago, he left here, as hale a looking young mariner as one would wish to let eyes on; and the other day, (he, too, having come under British guardianship, and having, consequently, his detention in that deadly atmosphere prolonged sufficiently

ciently to determine the point against him) his skeleton came limping into my office with the help of a crutch, to tell me that he was "getting better," but had been very sick, and in that state had had to navigate all the way from Curaçoa with but one man before the mast fit for duty!

I wished, from the bottom of my soul, that I could put him at that instant on the floor of the House of Representatives, to gasp out his tale into its ear.

A statement of his case (which is one peculiarly entitling him to protection & to sympathy) shall be transmitted so soon as he is well enough to make it. He is in the hands of an excellent physician, who reports that he is getting better.

I am, Sir, very respectfully,

Yr Obsevt.

N. P. Hill.

End

P.S. In order not to lose the opportunity ~~of~~ by the Brig "Midas" for Baltimore tomorrow morning, I have sat up writing, & then copying out, this, with a very severe pain in my chest. 'Tis, I believe, however, nothing but rheumatism. My general health is very good.

Havana Consulate No. 114.

Enclosure No. 2.

Copy - Original sent to Mr. Stevenson

Copy all

Havana Nov. 16th 1839.

H. O. Trist Esq.

Consul of the U.S.A.

Sir.

Agreable to your request I appear before you with a written statement of the manner in which I was treated by the British Cruizers, while on my late voyage to the Western Coast of Africa. I commanded a Schooner named the Octavia of New Orleans which was chartered by a House of this City (last March for the sum of $4000 Dollars, to carry a cargo consisting of sundry Articles such as Rum, Tobacco and dry Goods to be delivered at Accra and Little Popo, Places on the Western coast of Africa, I was properly cleared by you Sir, with the Papers of my Vessel all correct and my Officers and Crew Americans. I had on board 4 Spanish Gentlemen as Passengers. When I arrived in the Latitude of about 5 North and between the Longitude of about 15 and 20 West. I fell in with a British Brig of War named the Acorn, which bore down on me with a Press of Canvas, the Wind light at the time, and when within a distance

5

of about 2 Miles of me. He lowered away his boat well man'd and made for me, when pretty close he fired a Box swivel, which sent a Ball through my flying Jibb, and then being pretty close bid me heave to, the Schooner at the time not going through the water more than a Knott per hour: In a minute after he was alongside, when a Lieutenant and some six or eight men with drawn Sabres and Pistols pounced on my deck and took command. I underwent a scrutinizing examination, all my Papers investigated, my after Hatch opened and searched, my main Hatch being Barred and Buttoned down at the time to protect the Cargo, the officer said that he could make a prize of me if he liked, found fault with the size of my Spars, which by the by were rather small, that my water casks were too large &c. he then demanded to see and examine the Trunks of my Passengers and to search my Cabin but this I resisted and told him that he could only effect this by force of Arms and that I should consider it an atrocious

and

and unwarranted Piratical act, and shoud immediately Protest against him. proceed to the U. S. and seek redress of my Government, this Argument had its due weight, for he desisted from any attempt and after a decent lecturing which I gave him and which he did not much relish, he took his departure, I had his company all the next day: and the following night we parted.

My next adventure with these refined Scoundrels was at Popo. I had the honor of a visit from the commander and his first Lieutenant of the British Cruizer named the Jumigant, at the time I was lying on a bed of sickness on shore, my Mate officiated. He informed me by letter of the visit; that much fault was found with my Vessel, that she looked my sus=picions, examined my Papers and my Hold, said that he could take me, but that the Vessel was not of sufficient Value. a British merchant Brig was lying at the time in the Road-stead taking in Palm Oil, on board of which he placed a Boat well manned to watch my motions.

When

When I in part recovered from my sickness, I took in Sand Ballast & proceeded to the Havana. In consequence of many Calms and light head Winds I found myself getting short of Provision which obliged me to beat to Windward and endeavour to get to one of the Cape de Verd Islands, and when in the Latitude of about 4½ North and Longitude of 12 West I fell in with a Schooner which proved to be a British Brigg, name I do not recollect bound for Sierra Leone. She bore down to me, bid me shorten Sail and heave to, or he should fire into me. When a Lieutenant and a number of Seamen all armed boarded me and took command. at the time I was lying very sick in my Cabin, he investigated my papers, and searched my Hold, said he was sorry he had not fallen in with me before, that my Cargo he knew must han been Spanish property, and that I was aiding and abetting Slavery. He was pretty insolent. on my requesting him to spare a little Bread. He said he could not supply me, He then being near his

Port

Post- My Papers being entirely correct and Crew answering to the Crew List, he let me pass- That a Vessel any way suspicious, should be examined is perfectly right, but after the Papers are found correct- I consider a British Man of War has nothing further to do with an American Vessel, for so long as an American Vessel is not detected in the Act of Slaving, or with Slaves on board, what has a British Vessel of War to do with us. Is there any Law Sack, Sir? specifying the sized Casks we are to carry? the Number, or the Shape size or rig of our Shipping? is there any Law prohibiting us carrying out Spanish Property & the property of any other Nation to any quarter of the world, not excepting Africa? We are a Nation of Merchants and as long as we can find a good Sale for our Ship-=ping or obtain a good freight, are we to be prevented performing our Contracts by a Foreign Power? if there is any doubt of the legality of our transactions why not station our own men of War, whose duty it should be to investigate Vessels

found

found sailing under our Flag - What
is John Bull to us? are we not an
Independent Nation? and our right to
ownership the Ocean acknowledged by
all Nations! Our beloved Country has
certainly degenerated, or our Govern=
=ment would not look thus tamely and
indifferently on the barefaced and
atrocious proceedings of this Pirate
of the Sea, whose actions are cloaked
under a British flag and Patent, a
mere dissimulation shielded by the
term Philanthrophy - When it is actually
known that a greater part of the Slaves
carried into Sierra Leone finds their
way to Gallenas and there sold and
reshipped, a proof of which is this, that
Slaves have been taken and retaken no less
than five different times, besides this Bona
part of the goods shipped to the African
Market generally, and in particular to
the British Colonies, are sent there to
sell to Slave dealers or as orders from
from Slave Merchants - it is well known
that the very individuals who compose
the Court of Sierra Leone import immense

quantities

quantities of British Manufactured goods to supply the Market of Gallenas. there is no denying it. this British Zeal alias Philanthropy, is all a mere Humbug. The English Navy is getting ill-disciplined. While she ruins Spain and Her Colonies to bring Her East India Produce into market. There is certainly some of the most unprincipled men manning and commanding some of the African Cruizers. I could mention some of the blackest transactions committed on Individuals whose Persons have been stripped, money found and pursoned! and this atrocious act warranted by a British officer alias cloaked Pirate. Even in the West Indias we are examined and in a number of cases insulted by those overbearing men of War. I know a certain master who is now here who lost $500 Dollars on the sale of his Cargo, by being detained some Hours by the British Brig War named the Snake, who kept the Vessel so long hove to. that the Current swept her to leeward of her Port, and it was two days ere she could

again

regain her original Position which was just off the Moro Castle - had he not been fired at repeatedly and in danger of being hulled he would not have brought to at the time. this detention however was the means of frustrating his Market - this Brig is called the Rebecca and has anything but the appearance of suspicion, I hope some prompt measures will be speedily resorted to by our Government, if it is only for the Honor of the Flag handed to us unsullied by our Patron Saint Washington!!! - When our Flag is trampled and spit on as has been the case on the African Coast - When our Papers and our Consular Certificates have not been considered Legal and not a sufficient guarantee for the Protection of our Vessels and Property, tis time some measures should be adopted to enforce that respect due to our Nation second to no other on the face of the Globe - Hoping this written Statement with my views on the subject will meet your approbation -

I am, Sir,
with respect your obed Servt
Wm A Hinckling

Consulate of the United
States of America. Havana } On the day
of the date hereof, before me Nicholas
P. Trist Consul of the United States of
America, personally appeared William
A Hinckley, writer of the within letter,
and being duly sworn, did declare that
the matters of fact therein set forth
are truly and exactly stated. And the
said Deponent being by me asked, what
part of the United States he hails from,
states that he was brought up from the
age of eight years in Boston, (being a Native
of the island of St Michael, one of the
Azores) and that he is there known to
many persons, among whom he refers
to the Hon. William Prescott and Professor
John W. Webster of Cambridge -

In testimony whereof I hereunto
set my hand and affix my seal
of Office, this 27th day of November
A D 1839 and of the Independence
of the US the 64th.

L.S.

/ signed. / N. P. Trist

Copy all (Copy.) Original sent to Mr. Stevenson

Havana Consulate No. 117. Enclosure No. 1.

11

(Copy.)

This is to certify that I David Tomlinson Captain of the American Brigantin Mary of New Orleans formerly of Philadelphia, do claim damages of Her Britanic Majesty's Brigantin of War Forrester, commanded by Wm. Bond, in behalf of the owner of said Brigantin Mary of New Orleans, say Five hundred dollars per day from Twelve O'clock the eighteenth of august, to the twenty ninth of the same month, at twelve O'clock, which time I was in as good position to make the Gallinas as when taken prisoner by the said Forrester.

1. I David Tomlinson having taken command of the above named Brigantin of New-Orleans the property of Mr. Peter Sabate, laying in Havana, took a freight from the house of Blanco and Caballo, Merchants in Havana, to proceed to the Gallinas, from thence to Cape Lopez, for the sum of Three thousand eight hundred dollars.

2. Took on board a general cargo for the above named port or ports of the coast of Africa, and cleared the said Brigantin at the

United

United States Consul's Office in Havana
to proceed to the Gallinas.

3. Left Havana on the twenty forth of
June 1839, say Eighteen Hundred and thirty nine,
and pursued my course for the said Gallinas,
and on the Eighteenth of August 1839, say Eight-
een hundred and thirty nine I sighted Cape Mon-
which is twenty five or thirty miles from the
above named Port, and while doubling the above
named Cape, the said Forrester bore down on
the Brigantin Mary, and fired a cannon for me
to heave to. I discovered she hoisted the English
flag - so I brought the Brig to, - she then lowered
a boat and the Commander and an under of-
ficer with six or eight seamen and demanded
my papers, which I put in his hands - he com-
menced with the bill of sale and a Copy of the
Vessels' Register, stating that he did not recognize
that signature as from the Consulate of America
in Havana, as he well knew the man had
been removed from office. I told him if he
took any steps with the vessel contrary to
Law, I should reclaim damages as the was
despatched at the American Consul's office in
Havana, and that I hoisted the American

flag

flag in answer to his. I also showed him my bill of lading with the Ships' papers, but he was not satisfied with seeing them. But he sent his under officer to tear up the hatches, and he went below and turned my cargo up side down, broke or damaged ten boxes of liquor cases which fell in my hands at nine dollars each, stating at the same time that I need not give myself any uneasiness about the cargo, that it and the vessel was his, and I was his prisoner, and that he would put my passengers on the Beach, and send me and my men to prison at Sierra leon. I still telling him to beware of his proceedings— that America did not allow her flag to be treated in that manner— he said he did not respect me, my flag nor my papers— that I was his prisoner and the vessel his, to be quiet, and I would meet a better end— he then left on board Mr. MacPerson and six, men all armed,— about five o'clock he sent a boat with an order for me to be brought on board. I declined, stating that I was Captain of the Vessel, and responsible for the cargo, but I was told it was no use, go I must— so they took me on board the Forrester— he, the Commander,

took

took me below, and tried his best endeavours to induce me to say the vessel was Spanish property, by offering me bribes of various kinds, and at last he told me if I would say she was Spanish I should put what she and her Cargo would bring, with all the passengers' money* in my pocket. I answered him that the vessel was American property, and that all England could not induce me to not protect it as such — he then said he would hang me. I told him I did not fear his threats — that in hanging me, he left my country to revenge my death, and death was preferable to me to dishonour — he then found he could neither bribe nor frighten me — so he sent me on board the Mary again, quite late in the evening, when I found the cargo broached, and all his men and some of mine in a state of intoxication, knocking and tearing about the vessel with their cutlasses, like so many pirates. I went on deck to order my men below; but I was told by those placed on board that I had no business on deck and that I must go below for I was a prisoner, and that the vessel belonged to them and their Commander. The next morning we were at sea, out of sight of land, the said

* See Log Book (Enclosure No. 2) August 21. 1839
(signed) N. P. T.

said Forester in company with us. He sent a boat on alongside, demanding my passengers, but they did not wish to go, stating that they did not like to move their trunks and baggage until they knew where they were to go — but they was told to obey orders by the officer on board, — so I wrote a note to the Commander requesting his permission to allow them to return on board the Mary — to be asked them which they preferred, they answered the Mary — to be returned them with a demand for my men, excepting my first mate which went on board — he then took them one by one to make them say the vessel was Spanish property, stating to them that the vessel would go to Sierra Leon, her Cargo to be sold for her benifit, and I be thrown in prison, and would loose their wages, if they did not declare she was Spanish property; but if they did they should have their pay; but the first told him he could not be frightened to take a false oath, and he was sent forward, and put on two thirds allowance, and the second the same — he then took the Cook in Land, and he, through malice, stated that he knew her to be Spanish property, he having told the men often that he would do

me

me some damage if he could get an opportunity,
because I made him clean the Cook house —
to the commander sent him below, ordering the
steward to give him wine and plenty to eat —
he then took another one, a boy of Irish
parents and told him he should do theirs that
and the other with him for he shipped as
an American and was Irish, but the boy
told him he was born in America and did
not fear him, nor his threats — that he could
not take a false oath — so he was sent forward
with the other two — he then took an English-
man which seems had told his story to those
on board the Mary when in a state of intoxica-
tion, the night before, for I never knew he was an
Englishman before. —

(signed) Mate — John Hutton

2 Mate — John Thomson

Seaman John Boaler

do John + his allan

do John mark Irvine

No 118
C 21 March
Mr Ringgold

Consulate of the United States of America
Havana, March 7 - 1840 -

Hon. John Forsyth
Secretary of State.

Sir,

The Brig Lancet, arrived yesterday from Charleston, will return immediately to that place, perhaps so soon as six or eight days hence; and Mr Smith and I purpose embarking in her, in pursuance of the course suggested in your favor of the 1st ult, acknowledged by my No 115, which has been transmitted in duplicate. It would, on every account, have been far preferable to pospone our departure till about the end of the month; and it is quite probable that opportunities will at that period occur from either this port or Matanzas, whereby we should reach Baltimore in time. But we have concluded to sacrifice every consideration to that of securing this one point against casualty.

That no obstacle to the execution of this purpose may exist on that score, I yesterday afternoon proposed to Mr John Morland to take charge of the office, in the event of the non arrival of some one sent by the President. Of the persons here whose consent there was any hope of obtaining, he is the only one

in

in my opinion at all suitable. At a less busy period, others might, to oblige me, have been induced to incur the charge: but this is the very height ~~test~~ of the working season; and notwithstanding that his business does not occupy his whole time, and that his former experience in the office will lighten the task of conducting it, his consent was reluctant, and could be obtained only upon the condition of the Consulate's being removed to a place immediately convenient to the counting-house which his commercial business requires him to be at hand to.

I am, Sir, very respectfully,

Yr Ob Servt

A. P. Mills.

-21 March
Ninyzold

No. 119.

Consulate of the United States of America
Havana, March 7. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to transmit (Enclosure No. 1.) a letter and document from the Captain General, containing the proceedings of the authorities of Nueva Gerona, on the South side of this island, relative to the American Schr. Brilliant, James Cole Master, wrecked on Key Cantiles in October last; and (Enclosure No. 2.) copy of my reply to H. E.

From the proceedings it appears that whilst the master of the Brilliant was approaching with the aid obtained by him, that vessel was, in the most audacious manner, plundered and stripped of her flag by a Schr. called the Maid of the Mill, Wood master, belonging to Cayman.

I am, Sir, very respectfully,
Yr. Observ.
N. P. Hill

~~Deposition of Capt James Cole, taken before Juan Dove Lopez, [illegible] by Antonio Garcia de Prado, & Luis Garcia de Barros — at New Gerona [illegible]~~

At New Gerona on the 28th of October 1839, appeared before me and others present with me, Captain James Cole, accompanied by the private interpreter Don Raimon Moisat; who having taken oath the former according to his own creed, and the latter by God our Lord and with the sign of the Holy Cross, declared that they would, the former speak the truth on all matters on which they should be questioned and the latter translate faithfully and lawfully all that the former should say; and being asked his name answered that he was James Cole an American by Nation and Captain of the Schooner Brilliant of the same Nation which was wrecked on Cayo Cantiles; and that he had presented petitions had made his protest and had asked assistance to save what could be saved — Being ~~asked what required~~ questioned as to the ~~support~~ what was the result of his declaration ~~in consequence of the aforesaid requests and declarations~~, he answered that he had sailed from this port in the Sloop Dorotea under the protection of the Government; that they were two days on their way to the spot where the vessel was wrecked, and that they had met ~~on the way~~ at Guairs another vessel sent out for their assistance; that they had ~~equipped the~~ boat belonging to them with a crew and soldiers, and going toward the Schooner they met another belonging to the Cayman, under the English

flag and

flag, which asked them what vessel it was. That was told, whereupon the deponent replied, that it was the American schooner Brilliant, laden with pepper, and then the Caymanians asked whether he would take a cargo for Caymans, to which he answered that he could not as he was under the protection and flags of the Spanish Government. The Captain then asked if he would take a load for the Isle of Pines, which the Caymanians refused telling him at the same time, that he has on the day before seen a schooner along side of the wrecked vessel that he himself had not been on board, but that he observed the said vessel taking in things from the wrecked vessel and had seen her sailed away towards Cayo Cantiles. The boats then went on board the schooner, on entering which they found that she had been plundered of a part of the sacks clothes, provisions and other effects even to the doors of the cabin which were carried off. They then went towards the Caymanian vessel, leaving a man on board with the American flag hoisted. The Caymanian vessel was then lying two miles with two boats taking articles on board from the wrecked schooner; but as soon as she perceived the boat approaching she put on a press of sail and went away. When the said boat reached the Cayo, they there found pepper, sails and other effects, which had been taken from the wrecked schooner; for which reason they left on the said Cayo, six Spanish seamen to take charge of the articles; they then went on board the two vessels to obtain food and water for those who remained on the Cayo which was distant about 18 or 20 miles; and about dark they observed the Cayman vessel sailing towards the Brilliant. The boat

reached the two vessels, which were sent to aid them, about
eleven o clock at night, very early on the following day,
the boat went away again, with the Mate George
Washington Townsend, carrying provisions and water for
the persons left at the Cayo, and the two vessels sailed at
the same time towards the Brilliant, but as they were
obliged to make a long tack to reach her, when they
approached her they met the boat returning, which had been
on board the Brilliant, where they found that the schooner
had been again plundered in the night, and that Norris
Seaman and the flag which had been hoisted on her, had
been taken away; and on going on board, they found all this
to be certain, for not content with taking away all that
they could they had spoilt all the sacks, and scattered
the pepper about, emptying some and cutting open the
others; on account of which, the Deponent having saved
all that he could and loaded it in the two vessels sent
with this aid, set fire to the vessel; they then went to the
Cayo, where they took up the men left there with
all that could be collected of the cargo, and sailed
for this place, where they arrived the 23rd of the
present month; the Deponent and all the others
on board, said that the Cayman vessel was
named the Maid of the Mill, Captain Thomas
Wood; and this all that he has to say.

All which having been read to the Deponent he
affirmed and declared it to be true &c &c

(Note by the Translator) The preceding is believed to be a correct version of the Declaration of Captain Cole; though it cannot be asserted to convey positively the meaning of the Deponent, in as much as the original being without punctuation, is in many places almost unintelligible. Upon comparing the account as here given with the other statements of the circumstances they appear to agree; though there is much difficulty in unravelling the webs.) R. Greenhow

rec.º Feb: 11. '40

ESCRIBANIA

PUBLICA DE GUERRA

del Juzgado de la Capitanía General

de la

siempre fiel Isla de Cuba.

Enclosure No. 1.

Havana Consulate No. 119.

Dirijo á V.S. testim.º del espediente formado sobre averiguar el naufragio de la Goleta Americana Brillante su Capitan James Cole acaecido en Cayo Cantiles con fojas diez para lo que pueda Conbenir.

Dios gue. á V.S. m.s a.s Havana febrero 10 de 1840.

El Primer Jefe [illegible]

J. Sarralquinto

Ofº

Sor. Consul de los Estados Unidos.

Havana Consulate ~~Enclosure~~ No. 119 Enclosure No. 1.

4º DE OFICIO 1. CUARTILLO — ISABEL 2ª P. L. G. D. DIOS Y LA CONST. REYNA DE LAS ESPAÑAS — AÑOS DE 1840 Y 41

...te de la ...a — Voluntarios de merito cuarta Compª. Destacamto. de la Nueva Gerona = El Cabo que subscribe da parte al Sr. Comandte. interino Militar y Politco. de esta Colonia de que habiendo sido comisionado por esta comandancia con dos Soldados para auxiliar al Capitan de la Goleta Anglo Americana nombrada Brillante; llegó el dia diez y siete á la vista dela espresada Goleta que se halla naufragada en Cayo Cantiles, en cuyo punto fondearon el espresado dia y en tal estado salieron las dos Solas. en el bote del Buque que las conducia con objeto de dar Casa á una bela que se descubria á la vista y que no pudieron dar alcance; con cuyo motivo se dirijieron á la goleta naufragada, en la que el Capn. dejó un hombre de los de su tripulacion con la bandera Americana dirijiendose seguidamte. á otro punto del Cayo espresado á distancia de cinco leguas en donde encontraron parte del Cargamento que indudablemente habian escondido allí los Caimaneros: que al dia sigte. despues que habian reconocido el Cayo volvieron en rumbo del parage donde se hallaba el buque naufrago á donde llegaron el dies y nueve y no hallaron el hombre ni la bandera que el Capitan habia dejado á su bordo; en el que tampoco se halló todo lo que existia, y lo que habian dejado todo acuchillado, hecho pedazos esparramado por la bodega y demas en el mayor estado de destrozo. Todo lo que se

It will suffice to translate the Disposition of Capt. Cole (folio 5 & 6) and state that all the testimony recorded thereon

apersume á poner en su conocim.to para los efectos que haya lugar = Nueva Gerona y Octubre veinte y cinco de mil ochoc.s treinta y nueve = Agustin Cerdeí = D. Juan Dovo Lopes Ten.te de Inf.a Comandante Militar y polit.o interino, Subdelegado de Real Hacienda y Marina de Ysla de Pinos y Director dela Colonia Reyna Amalia consec.te al parte que antecede y ha dado á esta Comandancia el Cabo que en union de dos Soldados fue comisionado para que abordo de la Balandra Dorotea, y acompañado del Guairo Relampago pasase á Cayo Cantiles de esta jurisdiccion con el objeto de auxiliar y protejer á la Goleta Americana Brillante su Capitan James Cole que naufragó el ocho del corriente en dho. Cayo: y para investigar y aclarar la verdad de los pormenores á que se contrae dicho parte procedo á formar Sumario con testigos de asist.a á falta de escrib.o en el term.o dela Ley que p.a este acto lo son D. Luis Garcia del Barrio y D. Ramon Ant.o Garcia de Prado quienes asistieron el encargo y juraron ser fieles y sigilosos en cuanto se actuare y para constancia lo firmaron conmigo en la nueva Gerona á veinte y seis de Octubre de mil ochoc.s treinta y nueve Juan Dovo Lopes = Ant.o Garcia de Prado = Luis Garcia del Barrio = En la Nueva Gerona á los veinte y seis dias del espresado mes y año compareció ante mi y los de asistencia el matriculado dela de Batabanó Guillermo Pedroso á quien con los de asistencia doy fe conosco y siendo juramentado en forma ofreció decir verdad en lo que fuere interrogado y siendolo por su nombre y destino dijo llamarse como queda dicho y que es matriculado de Batabanó que Patronea el Guairo Relampago de la misma matricula y es vecino de esta Ysla —

Nombram.to de tgos. de asist.a

Declarac.n

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Preguntado por el contenido del parte que antecede y esponga circunstanciadamente cuanto sepa y pasó en el asunto; en vista de haber sido el primero que con su buque salió de éste Puerto con el Guairo que patronea el quince del corriente con objeto de auxiliar la Goleta Americana Brillante que estaba perdida en Cayo Cantiles y aun abordo Condujo al Piloto y otro marinero: que al tercer dia de salino amaneció entre los Cayos Abalas y Cantiles y á poco tiempo llegó la Balandra Dorotea que llebaba al Capitan y tropa que iban de auxilio, luego que fue de dia aparejaron el Bote y se embarcaron en él, el que habla el Piloto Capitan el dueño dela Balandra la tropa y otros quedando los buques fondeados á distancia de seis millas dela Goleta perdida en ésto vieron que una Goleta se hizo la vela y salia por la punta Oeste del Cayo Cantiles que iba sobre la referida Goleta naufragada, mas luego que élla vió el Bote se detuvo y se puso á la Capa con la bandera Ynglesa de trabecia que en ésto se arrimó el Bote al habla bien cerca que llebava la bandera Española habiendo quedado la de guerra de Rl. Hacienda puesta en la Balandra y preguntó el Capn. de la Goleta que buque era el que estaba sobre el arrecife y le contestó el buque americano que habia salido de Jamayca, bolvió á preguntar que carga tenia á bordo y contestó dho. Americano que pimienta y Caoba, que á ésto bolvió á preguntar el primero que si nesecitaba auxilio se lo daria; á ésto le contestó que á pesar de tener la proteccion del Govierno

tos

Español que biniese que si habia Carga tam-
bien Cargaria, y contestandole que p.a el Ca-
minar se negó á ello el mencionado Capitan
que venia en el Bote: advirtiendo que la Go-
leta es Caimanera llamada Made of the
Meer su Cap.n Tomas Woch que la conoce muy
bien por haber sido la que Cargó el mes de Ju-
lio de este año parte dela Carga del Berg.n
Merced que naufragó en esta Ysla: que dha
Goleta se fue con direccion al Cayo Cantiles
y hechó sus dos Canoas al agua y se puso á
Cargar dela Carga que habia sacado dela
Goleta perdida, en vista de esto dejando á
bordo de la misma un marinero ameri-
cano y arbolado el pabellon de estos se dirijie-
ron á dar Caza á la Goleta Caymanera
la que no consiguieron despues de haber re-
mado mas de cinco leguas y en el estero de
Cayo Cantiles habia un deposito de Velas, pi-
mienta, y varios trastos del Cap.n que el Cay-
manero no pudo acabar de Cargar por
irsele aproximando el Bote y se hechó fue-
ra del arrecife pasando á fondearse cerca
dela Goleta perdida: que en dicho Cayo quedó
la tropa custodiando los efectos con otros
de abordo y el Bote despues de anochecido
pasó á bordo dela Balandra para tomar
viveres y agua para llevarlas al Cayo donde
estaba la tropa: que como llevaba dho. hay
cinco leguas y efectivamente á las nueve
dela mañana siguiente se les dió el agua
y viveres haciendose á la Vela la Balandra
y Quairo para pasar á dho. punto á to-
mar la Carga referida como asi lo verifi-
caron y regresando al buque perdido no

tos

se vió por aquellos arrededores la Goleta Caymanera y saltando á bordo no se halló el marinero ni la bandera Americana que quedó puesta ni menos la Carga que habian dejado lista para tomarla, pues despues que la saquearon rompieron los sacos de pimienta tirando éste al granel para llevarle los embaces que no le queda duda que el saqueo y robo se ha hecho pr. dicha Goleta Caymanera pues no es la primera vez que ha estado presa por igual manejo; que cargaron lo poco que se pudo recojer y en seguida llegaron á este Puerto sin mas novedad. Que no tiene mas que decir que lo dicho es la verdad á cargo del juramento hecho en que se afirmó y ratificó, leida que le fue su declaracion, dijo ser de edad de veinte y ocho a.s y para constancia la firmó conmigo y los de asistencia de que damos fe = Juan Dovo = Lopez = Guillermo Pedroso = Luis Garcia del barrio = Antº Garcia del Prado = En dho. dia mes y año comparecio ante mi y los de mi asistª el matriculado Juan Pedro Rodriguez patron de la Balandra Dorotea el que siendo juramentado con las formalidades de Ordenanza ofreció decir verdad en lo q. se le interrogase y siendolo por su nombre y empleo dijo llamarse y sea como queda expresado = Preguntado por el contenido en la parte que le toca de la precedente declaracion dijo: que no recuerda el dia de este mes que salió con la Balandra Dorotea cuyo buque patronea llevando á bordo el Capitan y tripulacion de la Goleta Americana Brillante con objeto de

affidavit of Pedro Rodriguez

darte auxilio que estaba perdida en Cayo Cantiles y tambien iba el amo de la Balandra D. Bartolome Mayol, que despues de dos dias llegaron sobre el amanecer á una vista larga de la Goleta perdida en union del Guairo Relampago y cuando llegaron á Cayos Cantiles que tubieron que rodear mucho p.ª encontrar Canal, fondearon ambos buques poniendo la Balandra la Bandera con escudo de R.l Haz.da: que en seguida esquifaron el Bote con la tropa y varios de la tripulacion en la que iba el Patron del Guairo Relampago el Cap.n Piloto y tripulacion Americana con objeto de dirijir á la Goleta perdida que distaria como cuatro millas quedandose el que habla á bordo dela Balandra con su tripulacion: que como á las diez dela noche del mismo dia llegó el bote abordo y le dijeron que abordo de la Goleta perdida habian dejado un marinero y la bandera Americana q.e en el Cayo habia quedado la tropa custodiando unos efectos que la Goleta Caimanera habia sacado de la perdida y la habian visto estar cargando á la Capa en dho. Cayo y al amanecer salió el Bote de abordo con agua y viveres para la tropa y demas que en el Cayo estaban sin comer ni beber haciendose á la Vela los dos barcos y despues de un gran rodeo como á las ocho leguas se dirijieron á donde estaba el bote el cual no estando ya hicieron rumbo á la Goleta perdida en la cual estaba el bote habiendo antes recojido la tropa y gente que estaban en el Cayo y al llegar como queda dicho á la Goleta le dijeron que se habian llevado el marinero y la bandera que habia dejado el Capitan y resto de la Carga que habia y baciando la pimienta

Dos

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para llevarse los Sacos como asi lo vió cuando
puso los pies abordo que en seguida Cargaron
lo que pudieron y pasaron al Cayo recogieron
los efectos y la tropa y se pusieron en Viage
para este punto donde llegaron sin mas no-
vedad al siguiente dia y que ha oido decir á D.
Bartolo Mayol que la Goleta Caimanera la
conoce y á su Capitan por haber estado en
esta Isla cuando Cargó efectos del Berg.n Merced
que se perdió meses pasados: que es cuanto tiene
que decir y lo dho. es la verdad á cargo de jura-
mento hecho en que se afirmó y ratificó leida
esta su declaracion y espresando ser de edad
de cincuenta años para constancia: por no sa-
ber escribir lo señaló con la Cruz firmando-
lo con migo y los de asistencia de que damos
fe = Juan Dorto = Lopez = Señal de Cruz = de asis-
tencia: Luis Garcia del barrio = Ant.o Garcia
Otra de Prado. = Seguidam.te compareció ante
mi y los de asistencia D. Bartolo Mayol
vecino de esta y dueño de la Balandra Do-
rotea el que siendo juramentado en forma ofreció
decir verdad en lo que fuere preguntado y sien-
dolo por su nombre y empleo dijo llamarse y
ser como lleva dicho = Preguntado p.r el conteni-
do dela cita que le resulta dela antecedente
declaracion dijo: Que salió á bordo de su Ba-
landra nombrada Dorotea el quince del pre-
sente con objeto de dar auxilio á una Goleta
Americana perdida en Cayo Cantiles llevando
á su bordo al Capitan de dho. Buque tripu-
1/. lacion y á un (hombre) cabo y dos soldados de
escolta que se dirijieron á dho. punto y lle-
tos

Affidavit p.
Bartolo Mayol

garon á los dos dias entre Abalos y Cantiles que divisaron la goleta perdida que en se-guida esquifaron el bote con la tropa el Capitan y tripulacion americana, el Patron del Guairo Relampago, y otros que se dirijieron á dicha Goleta en la cual quedó un marinero con la bandera Americana arbolada y antes de esto habian visto una Goleta Caymanera que les vino al habla, con pabellon rojo Ingles y les pregunta que buque era el perdido y contestandole el Capitan Americano que era la Goleta Brillante cargada de pimienta, le volvió á preguntar que si cargaba para el Caximar y contestandole que nó se marchó sin decir cosa alguna, si esta ocurrencia hubiera sucedido despues que estubieron á bordo de la Brillante en vista del robo que le habian hecho seguramte. que la hubieran tomado pricionera que siguió la Goleta acia el Leste de Cantiles y viendo q. el bote se habia aunque con trabajo proximo, con todo el descaro de un ladron, se puso á la Capa y largando sus Cayucos se puso á cargar efectos de los que habia escondido en el Cayo Cantiles haciendose dela vuelta de afuera, á cuyo punto llegó el Bote y encontró el Cargamento que no les habian dado lugar de acabar de Cargar y dejando en el Cayo la tropa con otros de la tripulacion en custodia se volvieron con el bote á bordo en solicitud de viveres y agua para los que quedaron en el Cayo que se hallaban distando mas de seis leguas para cuyo punto salieron al amanecer con otro bote advirtiendo que cuando al anodiecer se dirijieron con el bote desde el Cayo á bordo vieron que la Goleta Caimanera se dirijia por fuera del arrecife sobre la Goleta perdida á donde se hallaba el marinero y la

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bandera que desde por la mañana habian dejado que luego que aclaró se lebaron los dos buques y dando vuelta por la Canal del Rosario recojieron la tropa y demas de tripulacion y haciendo rumbo al buque perdido los alcanzó el bote y dieron la noticia que habian saqueado nuevamente el Buque perdido que se habian llebado al marinero de abordo y tambien la bandera; que habiendo llegado á su bordo estaba toda la Carga tirada baciados los Sacos de la pimienta para llevarse los embaces, que en tal virtud cargaron lo que se pudo y recojiendo los efectos que habia en el Cayo se dirijieron á este punto, habiendo el Capn. despues que no pudo salvar mas, mandando dar fuego al Casco como asi se verificó: Que el declarante conoce perfectamente la Goleta que es del Caymar y que si le ponen delante tanto el Capitan como parte de su tripulacion los conoce igualmente que es el mismo Capitan y Goleta que estubo en esta Ysla pr. el mes de Julio de este año cargado con los efectos que en parte se salvaron del Bn. Americano Merced perdido en la Costa Sur de la misma Ysla y estubo á su bordo en aguas mulatas cuando el que habla pasó á dho. punto con igual objeto de dar auxilio á dicho buque. Que no tiene mas que decir que lo dho. es la verdad á cargo del juramento hecho en que se afirmó y ratificó leida que le fue esta su declaracion, dijo ser de edad de cuarenta y cuatro as. y para constancia lo firmó conmigo y los de asistencia

Dr

X Otra

Affidavit of Captain James Cole, of the America brig Brilliant.

de que damos fe = Juan Dovo = Lopez = Baltolomi Mayol = de asistencia: Luis Garcia del barrio = Antonio Garcia de Prado = En la Nueva Gerona á los veinte y ocho dias del mes de Octubre de mil ochocientos treinta y nueve comparecieron ante mi y los de asistencia el Capn. James Cole que acompañado del interprete particular D. Ramon Moisat el que previo el juramento que hizo conforme á su Creencia y D. Ramon Moysat por Dios ntro. Sor. y la señal de Cruz ofrecieron el primero decir verdad en lo que fuere interrogado y el segdo. traducir fiel y legalmente cuanto exponga y siendo preguntado por su nombre respondió llamarse James Cole de nacion Americana y Capitan de la Goleta Brillante de la misma nacion que naufragó en Cayo Cantiles y se presentó en esta, hizo su protesta y pidió auxilios para salvar lo que pudiera = Preguntado pr. el contenido de las citas que le resulta de las antecedentes declaraciones dijo: Que salió de este punto en la Balandra Dorotea mediante la proteccion del Govierno que tardaron dos dias para llegar al punto inmediato donde estaba perdida su Goleta y que tambien encontró al Guairo otro que salió á dar auxilio que esquifaron el bote de su propiedad con tripulacion y tropa que llebaba y dirijiendose á la Goleta encontraron á otro Caimanero que llebaba la bandera Inglesa y habiendose puesto al habla le preguntó aquella que buque era el que estaba perdido entonces le respondió el que habla que era la Goleta Americana Brillante y que estaba cargada con Pimienta: que volvió á preguntar el Caymanero que si queria cargar para el Cayman á lo que le contestó que no pues estaba bajo la

tor

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proteccion del gobierno español cuyo pabellon
arbolaba, en tonces volvió a decirle el Capitan
que si queria Carga para esta Isla de Pinos le
daria Carga a lo que el Caymanero se rehusó ad-
virtiendole éste que el dia anterior habia visto
una goletilla estar al lado de la Goleta perdida
pero que no habia estado a bordo pero si notó
que habia dicho Buque estado tomando Carga
a bordo de dho. Buque perdido y que en seguida
se hizo a la Vela para el rumbo de Cayo Cas-
tiles y el bote se dirijió a bordo de la Goleta y
al entrar a bordo encontraron que habian
saqueado el buque una porcion de Sacos, ropa,
Viveres y otros efectos hasta desencajar las 8
puertas de la Camara, en tonces dejando
a bordo un marinero y la bandera Ame-
ricana arbolada se dirijieron acia la Cay-
manera, que puesta a la Capa estaba con dos
Canoas Cargando efectos de la Goleta perdida
y al acercarse el bote se hicieron a la vela
de afuera, luego que llegó el dho. bote al Cayo
encontraron Tavia, Velas, pimienta y otros
efectos de los que habian extraido de la Goleta
perdida por cuya causa dejaron en dho. Cayo
tropa y los marineros españoles para que
custodiaren los efectos: que en seguida se re-
tiraron a bordo de los dos buques en solicitud
de Viveres y agua para la gente que quedaban
en el Cayo que estaba distante como diez y
ocho a veinte millas y que al obscurecer obser-
varon que la Goleta Caymanera iba haciendo

do rumbo para la Brillante y que en ésto obscu-
recio, y el bote llegó á bordo de los buques de
auxilio como á las once de la noche: que el
dia siguiente bien de madrugada salió el bote
de abordo con el Piloto George Washington Jon-
nesan con viveres y agua para los q. habian
quedado en el Cayo y tambien se hicieron á
la Vela los dos buques para poder llegar á bor-
do de la Brillante mas como éstas tubieron
que dar un gran rodeo para verificarlo
cuando se iban aproximando hallaron al
bote que de regreso de su comision, y p.r ser
muy mucho menos el Camino habia estado
á bordo dela Brillante y les dijo que en la
noche habian saqueado de nuevo la Goleta,
y llevadose el marinero americano y la
bandera que habia quedado arbolada y ha-
biendose acercado á bordo, entraron y hallaron
ser cierto todo pues no contentandose con haber-
se llevado cuanto pudieron inutilisaron todos
los sacos llebandose estos bacios y dejandolo la pi-
mienta suelta [acuchillando] los restantes p.r
lo que el que habla habiendo salvado de abor-
do todo cuanto pudo y cargadolo en los buques
de auxilio mandó á dar fuego á la Goleta
como asi se verificó y en seguida pasaron
al Cayo recojiendo todo lo que habia de
carga y la gente hicieron rumbo á ésta
donde llegaron el dia veinte y tres del actual
y que tanto el que habla como otros de los
que habian á bordo han oido á decir que la
Goleta Caymanera se llama Maid of the
Mill y su Cap.n lo es Tomas Wood y es
cuanto tiene que decir X que lo dho. es la
verdad á cargo del juram.to hecho en el que
se afirmó y ratificó leida que p.r el interpre

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te D. Ramon Moysard le fue traducida cita su declaracion y para constancia lo firmó con el referido, conmigo y los de asist.ª de que damos fe= Juan Dovo = Lopez = James Cole = R. Moysd = De asist.ª Luis Garcia del Barrio = Ant.º Garcia de Prado=

Traz

En la Nueva Gerona en el espresado dia mes y año comparecieron ante mi y los de asist.ª Mr. Jeorge Washington Jounesnd y D. Ramon Moisard como interprete particular rogado al efecto y siendo el primero juramentado segun su creencia y el segundo por Dios ntro. Sr. y la señal de Cruz ofrecieron decir verdad en lo que fuere preguntado y el segundo traducir fiel y legalmente lo que el prim.º esponga y siendo preguntado por su nombre y empleo dijo llamarse como queda dicho y q.e es piloto dela Goleta Americana Brillante que naufragó en los Cayos Cantiles de esta Ysla= Preguntado por el contenido dela cita q.e le resulta de las antecedentes declaraciones dijo: despues que por D. Ramon Moysard le fueron leidas que todo cuanto se espresa es cierto y verdadero sin que le quede duda que tanto por parte del Cap.n James Cole como por la suya no han omitido dilig.ª para salvar cuanto ha estado en lo posible los efectos y todo lo perteneciente al referido buque y que tiene bien presente que cuando iba en el bote para la Goleta perdida y hallaron la Goleta Caymanera que se puso al habla con bandera Inglesa preguntando

Affidavit of G. W. Townsend Mate.

al Cap.n Cole por el buque perdido y demas con-
testaciones le vió Clara y distintamente q.e en la
popa traia un letrero con letras blancas que
decia ;; Maid, of The Mill. y que oyó á decir
al Patron Guillermo del Guairo que iba de auxo.
donde tambien iba el que habla que le parecia
que era el Cap.n Wood y que en ésta comand.a
estaria apuntado por haber venido dias pa-
sados cargado con azucar del Berg.n Ameri-
cano Merced que se perdió en la Costa: que es
cuanto tiene que decir y lo dho. es la verdad
á Cargo del juram.to hecho en el q.e se afirmó
y ratificó leida que por el interprete le fue
ésta su declaracion y para constancia lo
firmaron conmigo y los de asistencia de q.e
damos fe = Juan Dovo = Lopez = George N Tonn
send = R Moysad = de asist.a Luis Garcia del Bar-
Pie } rio = Ant.o Garcia de Prado = Es conforme á
su original que se remite al Sr. Comand.te de
Matriculas de la provincia de la Habana con
esta fha. Nueva Gerona veinte y nueve de Oc-
tubre de mil ochoc.s treinta y nueve = Juan
Dovo Lopez. ——— " ———
Of.o de f.a } Exmo. Sr. = El veinte y tres del actual han regre-
sado el Cabo y los dos Soldados que como participé á
V.E. con fha. quince del presente habian salido con
dos buques para Cayo Cantiles en auxilio de la
Goleta Americana Brillante naufragada en
dho. punto en union del Cap.n M.r James
Cole, el Piloto, y resto de la tripulacion parti-
cipandome dho. Cabo que el buque perdido fue
saqueado por una Goleta Caymanera á la que
se le dió Caza con el bote esquifado, mas no si-
endo posible darle alcance se dirijieron
á la punta del Cayo distante cinco leguas
en cuyo punto observaron que dho. Cayma

4º DE OFICIO
1. CUARTILLO
ISABEL 2ª P. L. G. D. DIOS Y LA CONST. REYNA DE LAS ESPAÑAS
AÑOS DE
1840 Y 41

nero puesto á la Capa, estaba cargando los efectos que habia estraido del Buque naufrago y al acercarse el Bote se hizo á la Vela nuevamente en rumbo de la Goleta perdida acabando en la noche de saquearla inutilisando todo lo que no pudo cargar llevandole un marinero que tenia á bordo y la bandera Americana q.e dejó arbolada el Capitan, antes que salieran con el bote á darle Caza; todo segun por menor se espresa en el Sumario que en copia tengo el honor de acompañar á V.E. para su sup.or conocim.to como igualmente de que con esta fha. se lo participo al Sr. Comandante pral. de Matriculas con inclucion del original = En vista de la suma nesecidad en que se halló el mencionado Cap.n en este punto para su manutencion la del piloto y tripulacion como igualm.te p.a pagar los fletes delos Buques que salieron á auxiliarlo segun conbenio que hicieron, ha bendido lo poco que se salvó consistente en Jarcia trozada, velas, anclas, Cadena, un bote y noventa y dos sacos de pimienta de tabasco; mas como este ult.o efecto adeudaba dros. por ser procedencia estrangera se formó espediente por la Subdelegacion de R.l Hazienda de conformidad con el minis.to de la misma y en su vista procedió el referido Cap.n á pagar los que le fueron designados con arreglo al arancel vigente dandole entrada al numerario en la R.l Caja

tto

con las formalidades de Ordenanza: no habi-
endose verificado la venta del Casco por el
mal estado en que segun afirman lo dejaron
en el arrecife = Todo lo que participo á V.E.
para su Sup.or conocim.to = Dios guarde á
V.E. m.s a.s Nueva Gerona veinte y nueve
de Octubre de mil ochoc.s treinta y nueve =
Exmo. Sr.: El Comand.te int.o = Juan Dovo Lo-
pez = Exmo. Sr. D. Joaquin de Espeleta Cap.n
gral. de la Ysla de Cuba. ——

Dec.to marg.l } Habana siete de noviembre de mil ochoc.s
treinta y nueve = Pase á consulta del Sor.
Aud.r de gra. = Espeleta. ——

Otro } Habana y noviembre veinte de mil ochoc.s
treinta y nueve = Dese vista al fiscal prim.o
del Juzgado por conducto del Exmo. de gra. =
Se hallan dos rubricas = Lorenzo de Larra-
sabal. —— " —— " ——

Represent.on fiscal f.ll } Exmo. Sr. = El fiscal dice: que necesita tener á la
vista el parte que refiere el Comand.te Militar
de Ysla de Pinos, haber dado á V.E. en quince de
Octubre ult.o segun el oficio de foxas nueve, sir-
vase V.E. mandar que agregado con los demas
antecedentes que existan en la Secretaria relati-
vos al naufragio de la Goleta Americana
Brillante se le devuelva el espediente p.a
fundar en vista de todo su dictamen. Ha-
bana y Dbre. catorce de mil ochocientos tre-
inta y nueve = Exmo. Sr.: Pedro de Alcanta-
ra = Angel Beprano = Habana y Dbre.
Decreto } dies y siete de mil ochoc.s treinta y nueve
Autos y vistos: hagase segun propone el
minist.o fiscal en su representacion de
catorce del corriente = Espeleta = Armero

4º DE OFICIO
1. CUARTILLO

ISABEL 2ª P. L. G. D. DIOS REYNA DE ESP. Y DE LAS IND.

AÑOS DE
1838 Y 39

Lorenzo de Larrazabal.

lon } En el mismo lo instrui al pror. agente de los
Sres. fiscales doy fe = Bejerano = Muños.

f 12. } El catorce del corriente se presentó en este punto
embarcado en un bote procedente de Cayo Cantiles
de este distrito Mr. Jaimes Coule acompañado de
un piloto y tres marineros, uno de ellos negro
libre haciendo presente que habiendo salido de
Jamayca para Nueva Yorc en la goleta Ame
ricana nombrado Brillante naufragó el ocho
del corriente en dho. Cayo á causa del furioso
temporal que corrió y que el referido buque
estaba cargado de Caobas y pimienta de Tabas-
co por cuyo motivo solicitaba se le fran-
queasen auxilios con el objeto de salvar lo q.
pudiera = Luego que hube reconocido sus papeles
ordené que los dos buques particulares, unicos
que se hallaban descargando (despues q. sus
encargados celebraron ajuste particular con
dho. Capitan) salieran al efecto como asi lo ve-
rificaron, conduciendo al Capn. y tripulacion
referida como igualmente un Cabo habilitado
de Sargento con las instrucciones nesesarias,
y dos Soldados sin poder disponer de mas fuerza
por la escaces de la guarnicion y pr. varios
enfermos que se hallan en el Hospital = Y
en el interin tan luego como tenga conocimto.
del resultado que produsca la comision del
Cabo referido lo participaré á V.E. en cumpli-
miento de mi deber = Dios gue. á V.E. ms.
as. Nueva Gerona quince de Octubre de mil
dos

ochoc.s treinta y nueve = Exmo. Sr.: El Comand.te interino: Juan Dovo Lopez. - Exmo. Sr. D. Joaquin de Espeleta Cap.n gral. dela Ysla de Cuba

Of.o de f.13 } Exmo. Sr. = En el dia de hoy dirijo al Sr. Comandante pral. de Matriculas dela Provincia dela Habana al Cap.n James Cole, Piloto Jeorge Townsend y resto dela tripulacion dela Goleta Americana Brillante que naufragó en Cayo Cantiles como igualmente á Cargo del Cabo D. Pascual Gonzales el negro Liberto Wiliam F. Leowis de la misma tripulacion con arreglo á las ordenes que rigen sobre el particular = Todo lo que participo á V.E. para su Sup.r conocimiento = Dios gue. á V.E. m.s a.s = Nueva Gerona treinta y uno de Octubre de mil ochoc.s treinta y nueve = Exmo. Sr.: Le Comand.te int.o: Juan Dovo Lopez = Exmo. Sr. D. Joaq.n de Espeleta Cap.n gral. dela Ysla de Cuba. ——

Copia de f.14 — } Nov.e dos de mil ochoc.s treinta y nueve = Al Comandante Militar de Ysla de Pinos = Por el of.o de V. de quince del ant.or me he enterado del auxilio que prestó á M.r James Coule Cap.n de la Goleta Americana Brillante que naufragó en Cayo Cantiles; lo que digo á V. en respuesta esperando me avise del resultado. —

Otra de f.15 — } Siete de Nov.re de mil ochoc.s treinta y nueve = Al comand.te Militar de Ysla de Pinos = Quedo enterado por el of.o de V. de treinta y uno del anterior de haber remitido al Sr. Comand.te pral. de Matriculas de esta Provincia al Capitan piloto y tripulacion de la Goleta Americana Brillante que naufragó en Cayo Cantiles; lo que digo á V. en contestacion. —

Rep.n fiscal f.16 — } Exmo. Sr. = El fiscal dice que este espediente deve archivarse previa compulsa que pasará

tor

al Sr. Consul delos Estados Unidos de America, por lo que pueda importar la averiguacion delos hechos que en el se especifican al interes delas partes donde corresponda. Habana primero de febrero de mil ochoc.s cuarenta = Exmo. Sr. = Pedro de Alcantara = Angel Bejerano. ——— " ———

Auto f.16 } Habana febrero tres de mil ochoc.s cuarenta = Autos y vistos: hagase en todo segun propone el ministerio fiscal en su representacion de primero del corriente que antecede sacandose testimonio de estas diligencias y dirijiendose con oficio al Sr. Consul de los estados unidos de America para lo que pueda convenir archibandose los originales = Anglona = Armero = Lorenzo de Larrazabal. ———

Notif.on } En el mismo lo notifique al procurador agente fiscal doy fe = Bejerano = Muños. —

Es conforme á los autos formados sobre averiguar el naufragio dela Goleta Americana Brillante su Capitan James Coule acaecido en Cayo Cantiles á que me remito. Y en cumplim.to de lo mandado en el provisto incerto hize sacar el presente. Habana febrero diés de mil ochoc.s cuarenta años = Enmendado = vuelta = testado = hombre = no vale. ———

D.n Lorenzo de Larrazabal

Havana Consulate No. 119. Enclosure No. 2.

(Copy)

Consulate of the United States of America
Havana, Feb: 22. 1840.

I have the honor to acknowledge the receipt of
Y. E.'s favor of the 10th inst., enclosing a testimonio
of the expediente in the matter of the wreck of the Amer-
ican Schr. Brilliant, James Cole master, on Key Cas-
tiles; which acknowledgment has been delayed because
of my wish first to perute said testimonio. Having
done so, I beg leave to express the pleasure with
which I shall transmit to my Government this
manifestation of the disposition of the authorities
of that part of the island to fulfil the duty of
succouring & protecting from plunder the mariners
& vessels cast upon its shores.

I have the honor to be with the highest
consideration, Y. E.'s

Obt Servt [signature]

H. E. El Principe de Anglona, Marques de Laval-
quento &c &c
Captain General.
&c &c &c

2 - 21 March
- Ninggold

No. 120.

Consulate of the United States of America
Havana, March 7. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I beg leave to enclose a letter for Mr. Wm. B. Randolph of the Treasurer's office, covering one to the Solicitor of the Treasury, relative to some advances made by me on public account, which I wish Mr. R. to receive for me.

I am, Sir, very respectfully,
Yr. Observt.
N. P. Hill.

Havana Consulate No. 121.

Examined

Slave-Trade
between Cuba and Texas, &c.

2 - 13 May
Mr Ringgold

Extract

No. 121.

Begin

Consulate of the United States of America
Havana, March 10. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to transmit (Enclosure No. 1.) copy of a letter addressed to me under date Novr 28th 1839 by Commander Wm. A. Spencer of the U.S. ship Warren, together with (Enclosure No. 2. & Sub-Enclosure No. 1.) a copy of my reply under date the 29th of the same month.

End

Besides some views (to which I beg leave earnestly to invite attention) in regard to the importance of the constant presence of a part of our naval force in this port, — views which might, not without advantage perhaps, be extended to other points involving international considerations, — this correspondence has served to elicit the truth, so far as known to me, or attainable by me, concerning what is called the slave-trade from Cuba to Texas: a subject which, by the publication, official & quasi-official, of fictions colored to a taste of the day which a class of sinecurists under a foreign government find it to their account busily to cater for,

has

has been invested with an ideal importance that renders the truth in regard to it a matter of some value.

The notices to our ship-masters, brought into view by this correspondence, it was, at the time they were written, my intention to send copies of to the Department; but this purpose had shared the fate of many others in remaining unfulfilled, owing to the never ending pressure of matters of great and urgent importance. Their transmission, indeed, (the end for which the first was written having been so fully accomplished, that subsequently to the communications made by me upon the subject at that period, no instance ever occurred, even by rumour, to create any necessity for again touching upon it; though I did so by my second notice, upon the principle that it was better to do what might be superfluous than fail to convey to any american citizen requiring it to impressive a caution) their transmission was altogether without importance, except in the sense that it is important that government should be kept advised of all doings of its officers, and put in possession of all papers illustrative of the mode in which their duties are discharged: a principle that I have not been unmindful of, but which the circumstances of my position have put it out of my power to act up to, except in but a comparatively small portion even of that data of cases wherein my doing so could conduce to some definite end. And such being the case, I had, in this as

in

in many other instances, to content myself, for the time being, with the consciousness that my duty had been fulfilled and the end secured: reserving the task of laying the proofs of this before the government for the period when it might be engaged in without postponing to it the discharge of obligations of a far more pressing nature. That period has not yet arrived; and my time would still be devoted to what ought to have exclusively occupied every portion of it that could be spared from the current duties of my post, — the task of putting the results of my official experience in the shape wherein they might be of avail towards the reform so loudly called for by the interests & the character of our merchant-flag, — had not the torrent of calumny by which it has been attempted to drown me rendered it unavoidable, that an object of high ~~paramount~~ interest to the nation should, for a while, be sacrificed to one so insignificant as the vindication of individual character.

I am, Sir, very respectfully,
Yr Obt Servt.

A. J. Dallas.

P. S. In transmitting these notices, I will call attention to the position contained in the third paragraph of the first: a position which, though but a translation of the literal & indubitable meaning of our legislation on the

Sub-

subject, was, so far as I know, there laid down for the first time; and, so far from being generally known, has been unconsciously violated times without number, by the transportation of the (slave) domestics of passengers to and fro between the United States and foreign countries (the West Indies, chiefly); and, on a large scale, (as some one told me at the period when the subject was occupying my attention) in the transportation from one British Colony to another, under the sanction of the British government, and even in its employment, of blacks "held to service."

N.P.T.

Extract

Havana Consulate No. 121. Enclosure 1.

Cuba Consulate No. 121. Enclosure No. 1.

Regis

United States Ship Warren
Havana November 28th 1839

To N. P. Trist Esquire
Consul of the United States
at Havana

Sir

I have received orders from our Government to cruise with this Ship under my command on the North side of Cuba, during the ensuing Winter Months, and to visit this harbour; the purpose of which is, to attend to, to promote, as far as may be in my power, and to protect the Commercial interests of the United States.

There is reason to believe, that several American vessels have been for some time, and are now engaged in conveying Slaves from Cuba to Texas; It is my object if it be possible to suppress this traffic, so far as Citizens of the United States are concerned in it, and I shall be pleased to receive from You any information which may have come to Your knowledge upon the Subject.) End

I would also request, that You

will inform me, if it be deemed important for the Commercial interest of the United States, that this Ship should continue to remain within this harbour, and your reasons for her detention.

I am very respectfully
Your Obt Servt
W. A. Spencer
Commander

Copy

Consulate of the United States of America

Havana November 29th 1839

William A. Spencer Esqr

Commanding U. S. S. Warren

Sir

I have the honor to acknowledge the receipt of Your favor under date of Yesterday, and upon the two subjects therein presented to state:

1st. With regard to the employment of American Vessels in carrying Slaves from this island to Texas: if any such business is going on, or has recently been, it has been conducted with very extraordinary secrecy. The Slave trade from Africa is no more made a secret of (except in a legal sense) than the commerce with England, which supplies Merchandise for exportation to the Coast of Guinea. Its incidents and casualties, - the arrivals and departures, captures and escapes, - form one of the commonest topics of daily News. It is one which You cannot well avoid hearing

of many times in the Week. Such being the state of the case here with regard to it, You will readily conceive what very extraordinary pains must be taken to conceal the Texan branch of the traffic, (if it do really exist) from the fact that I have no cause whatever to believe in its existence, other than the identical one which has, it is said, been deemed by a late British traveller, and he by no means an illiberal one (The Honorable Mr. Murray) quite sufficient to justify the assertion, that the business of supplying the United States with Africans from this island is one that must necessarily exist: which conclusive reason is to be found in the fact, that Slaves are a hundred per cent or more higher in the United States than in Cuba; and that a cent per cent profit is a temptation which it is not in human nature, as modified by American institutions, to withstand.

The circumstances in which Texas is, at this juncture, placed, render it extremely probable to my mind, that the introduction of blacks from this island has, to a

partial

partial extent, taken place there, from the period when her struggle with Mexico commenced. At that time, one instance of such transportation came to my knowledge; the number, to the best of my recollection, was either a little under or a little over fifty; and early in the year '36, I heard that there were grounds for believing that other cases had recently occurred. Since that time I have not, to the best of my recollection, heard of any.

There is one point upon which I am perfectly satisfied: which is, that the exportations to Texas have been on a very limited scale; and that the collective amount cannot be otherwise than inconsiderable. On this branch of the subject, as on every other, the most preposterous exaggerations are prevalent. A very intelligent and candid English traveller who was here about a year ago, told me that, whilst in Paris a short time before, he had heard it stated by a person from this island that the exportation of blacks hence to Texas amounted to ten thousand annually. This was, of course, immediately recorded in all note-books as part of the unquestionable statistics of the

Slave

Slave trade. Now, I feel perfectly satisfied that the entire number, from the commencement to the present time, cannot amount to any thing like Five thousand. I consider it more probable that it is under, than that it is over the one half of Five thousand.

But, whatever might be the activity of the business, it would by no means follow that our flag is engaged in it. There are reasons to cause it to be preferred. There are likewise reasons against that preference. The personal consequences of detection under the Spanish or Portugese flag are very slight, whilst, under ours, they could not fail to be exceedingly severe; and with regard to the risk of detection, there is no part of the world where this would be so great from an American Cruiser, as precisely on the line from this to Texas. In a word I do not believe that any one purposing to transport Slaves from here there, would hesitate to select one of the coasting Vessels of that this island for the purpose. I will add, if it be practicable to effect the introduction of Africans into Texas in such number as

Your

Your enquiry I suppose, I can see no sufficient reason why the trade should not be a direct one, instead of the supply being derived second hand from this island. This very fact would go to show, that the demand must be too inconsiderable, to justify the obviously cheaper mode of supply.

Such are my impressions in regard to the subject. You are now on the spot, and can compare them with the result of your own enquiries. Any thing that I can do to further these will be done. In the beginning of 1836, upon hearing as is above stated, that there were grounds for the belief that some of our vessels had been thus employed, I wrote for the information of our Ship Masters, (who evidently possessed very vague and imperfect notions concerning our legal prohibitions on this subject) a notice which has remained ever since stuck up at the door of the consulate. To this was added, about a year after, a second notice, to make them aware of the legal prohibitions and penalties established on the same subject by the government of Texas. A Copy of these two notices is here-in enclosed. They serve, if I mistake not, to make

the matter sufficiently plain for any understanding: so that if violations of the law have been committed the offenders cannot take shelter under the plea of ignorance.

2nd. Proceeding to Your second topic. I am glad of the opportunity which it affords for an expression of my decided opinion, that this harbor should never be without one of our national vessels. This was the opinion of my predecessor in Office the late Mr Shaler: a man to whom it would be difficult to name an equal, whether for extensive experience in such matters in all parts of the globe, or for soundness of judgment. It has been the result also of my own very inferior opportunities for forming one.

When I say never, I mean to be understood literally: for independently of the general effect attending the presence of a naval force - an effect which is not the less real that it cannot be weighed out by the day or hour - there is scarcely a day in the Year when the presence of one of our vessels here would not be attended with some definite benefit to our Shipping: there is certainly not a single day in the whole Year when something may not happen to make this

the

the case. Our navigation to this port considerably exceeds that of all other Nations put together, (Spain included) thirteen or fourteen in number. The number of entries under our flag during the past Year, exclusive of fishing smacks from Key West, was 753. This fact alone will afford an idea of the number of occurrences of various kinds in which the presence of a National Vessel would be highly useful

Take the one subject of insubordinate conduct on the part of Sailors. In a port where, as in this, it is impossible to keep liquor from the men, insubordination would, unless repressed, transcend all bounds. (For instance, to day, since I commenced writing this letter Captain Young of the Barque Clarion of Philadelphia, who is well known to me, and whom I believe to be a Ship Master of the first respectability, has presented himself at the office, in consequence of having just received, while engaged in discharging Cargo at the wharf, a severe blow in the face from one of his Sailors, in liquor. And upon going back to his Ship in quest of his Shipping articles (which I require the exhibition of in every case of

the

the kind) he returns with the intelligence that the same man has fallen foul of his mate. Occurrences of this kind require, of course, aid from some quarter. But for the presence of a Consul, every case, requiring or affording room for the interposition of the Authorities would be attended with proceedings involving serious delay and expense, and inconvenience and detriment to all parties, Ship-Masters Ship-Owners, and all interested in the despatch of the vessel; and of the evils attending them, the Sailor's share would assuredly not be the least.

Most of these cases arise altogether from inebriety, and twenty four or forty eight hours confinement, under the order of the Captain of the Port (issued at the request of the consul) proves sufficient to bring the Sailor to his senses. Instead of continuing drunk the whole time (which the facility of procuring liquor, so long as he remains on board, renders next to certain to a man once brought to that state of excitement and of thirst for (more) he has a chance to become sober, which was all

that

that he required to return cheerfully to his duty and to remain sober perhaps during the remainder of his Stay in port.

In such cases, the presence of a vessel of War would supersede the necessity of calling for the Captain of the Port's assistance. The Man could be taken on board: there to become sober, and, if the case required it, there to receive such punishment as our laws authorise the Master of a Merchant Vessel to inflict: a measure which all prudent Masters abstain from in this port, owing to the serious consequences in the Shape of delay and Expence, attendant upon the proceedings that would take place upon anything bearing the shape of a disturbance of the peace of the Port.

The same considerations apply with still greater force to cases of revolt.

There is an other view, in which the expediency of the constant presence of one of our vessels of War in this port is, to my mind, perfectly obvious. That view relates to their efficiency in protecting our Merchantmen at Lea indeed to their effeciency, in all particulars

as

as Cruizers. It may seem paradoxical; but I do not hesitate to express my conviction, that, to be at anchor in this harbor, is the prop=er position for a Cruizer stationed on this coast. Nay, that one Ship thus anchored would render more effectual service at sea, in any duty that might be assigned to her, than half a dozen Sailing round the Island all the time within a league or two of the Shore.

To act, a commander must have some=thing to act upon. How is he to get it? How is he to obtain information of anything that may have happened? By bringing to and overhauling every Vessel that may come in his way? This would prove intolerably vexatious to Commerce, and render a Man-of-War a pest instead of a benefit.

Now, this City is the centre of intelligence in regard to every thing that happens within hundreds of Miles of it in all directions. No=thing occurs that does not directly become known here. Not an hour in the day, but News comes in, by Sea and by Land, from every point of the compass. Look at the mouth of the harbor! Last Year, Fifteen

hundred and thirteen Merchantmen from foreign ports; and coasting vessels without numbers What chances do these not afford for obtaining early and definite intelligence of every occurrence that may require action on the part of a Naval Commander, of any piracy that may have been committed, of any wreck or other disaster that may call for his assistance, - nay of anything that may as yet be meditated only, here or elsewhere? Suppose him to be sailing to and fro from Cape Antonio to Cape Maise, or even in sight of the Moro all the while. Here comes in important intelligence for him! Or here is something hatching in this very port! How is he to know anything about it? Where are the means to transmit it to him; and supposing these to exist where is he? Within sight of the Moro perhaps; but who knows this? Suppose him, on the contrary to be at anchor here. In a moment his anchor is up, and he is off upon a definite errand.

Thus much in regard to efficiency in the shape of action, - of services actually rendered. Now for a word in regard to efficiency in

its

to the Place: that of an exhibition of readiness for action. We all know that, in time of peace, the utility of a naval force consists, not so much in what it does, as in what it presents, — in what it shows that it is ready to do, — in the impression which it keeps up of its vigilance and the certainty of its acting should the occasion occur. In this point of view, compare the effectiveness of a vessel lying there and going out at short intervals, no one knows where or on what errand, with that of the same vessel sailing round the island. In the latter case, few ever hear of her, or know that there is such a cruiser. In the former, every one sees her; her activity is constantly present to every mind. She goes out, and no one knows but that something has occasioned or is meditated, of which the Commander has had intelligence. In this way constant alarm is kept up in the minds of evil doers.

Apply to this the supposed case of an American vessel employed to take in negroes at some point on this coast. There

is

is no American Man-of-War here, to obtain intelligence. What risk does she run of being searched? But suppose that there is a Man-of-War in port. What is to secure the Master of the Merchantman against her Commander's knowing all about his intention or suspecting it, in time to be upon him before he shall have run a league on his way to Texas?

I will here bring this unconscionably long, and I fear, tiresome, communication to a close. You are aware how pressed I am for time. But for this cause, my views would have been presented in a much smaller compass. The importance of the subject in my estimation must be my apology for inflicting upon You so hurried and crude an attempt to do it justice

I am, Sir, very respectfully
Your Obt Servt
(Signed) N. P. Trist

Began

Notice.

It being understood, that several American vessels have lately been chartered for the transportation of Africans or Blacks men from this Island to Texas,

Notice is hereby given to American Shipmasters and to all others concerned, That any and every such proceeding is in direct violation of the Laws of the United States.

In no case whatsoever, is it lawful for any American vessel to carry a slave, or a black or colored person held to service or labor, except only in going from one Port in the United States to another.

Except as just stated, no American vessel can lawfully sail with any black or colored person whatsoever, unless such black or colored person be really and truly, to all intents and purposes, Free. To take or have on board any negro or colored person whatever, who may in any way be "held to service or labor," no matter whether such colored person be called by the name of Apprentice or any other, is strictly forbidden.

forbidden by law. The law is just as certainly violated in carrying Africans, no matter under what name, from this Island to Texas, as in bringing Africans from any part of their own coast to this Island.

In any case of the violation of the law, the vessel and cargo are liable to be condemned, if seized while on the voyage to Texas or elsewhere with any such colored person on board, or if prosecuted after her return to the United States. And the master and every person employed in said vessel are moreover subject to the heaviest penalties, the least of which is fine and imprisonment for three years, and in some cases amounting to Death.

Consulate of the United States,
Havana, February 23, 1836.

Bejis

Attention

is particularly invited to the following Act of the Legislature of Texas, passed for the purpose of giving more certain effect to the provision of the Constitution of that country which makes it piracy to introduce slaves from any part of the world, except the United States of America.

It will be seen, That to introduce into Texas, any African whatever, or any slave, excepting only such slaves as were previously held in Slavery in the United States, in conformity with the laws of the United States, subjects the offender to Death.

This penalty would be incurred by any one who should introduce into Texas from this Island, (as well as any other part of the world,) any African, under any pretext whatsoever, or any slave born in the Island, whether such introduction were effected by landing directly upon the coast of Texas, or by landing within the jurisdiction of

the

the United States, on the one side, or of Mexico upon the other.

Consulate of the United States, Havana, March 10. 1837.

(From an American newspaper.)

"Slavery in Texas. — We observe in many of the petitions which are presented in the House of Representatives by Mr. Adams, that an opinion extensively prevails in the Northern, and in some of the Western States, that the Foreign Slave Trade is permitted in the Republic of Texas. Now this is so far from the fact, that the Government of Texas has evinced a very laudable desire to prohibit all importations of slaves either from Cuba, or from vessels elsewhere engaged in the Slave trade. The Government has even gone so far upon this subject as to prohibit the introduction of Slaves from the United States, when these slaves shall have been introduced into the U. States for the purpose of exportation to Texas. We copy the following act from the last Texas Telegraph:

An Act supplementary to an act for the punishment of Crimes and Misdemeanors.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That if any person or persons shall introduce any African negro or negroes, contrary to the true intent

intent and meaning of the ninth section of the general provisions of the Constitution, declaring the introduction of African negroes into this republic, to be piracy, except such as are from the United States of America, and had been held as slaves therein, be considered guilty of piracy; and upon conviction thereof, before any court having cognizance of the same, shall suffer death without the benefit of clergy.

Section 2. Be it further enacted, That if any person or persons shall introduce into the Republic of Texas, any Africans or any slave or slaves, from the United States of America, except such slave or slaves as were previously introduced and held in slavery in that Republic, in conformity with the laws of that go-=vernment, shall be deemed guilty of piracy, and upon conviction thereof, before any court having cog-=nisance of the same, shall suffer death."

Ira Ingram Speaker of the House of Rep's.

Richd. Ellis, President of the Senate pro. tem.

Approved 21st December 1836.

Samuel Houston.

"This act was passed in consequence of a suspicion that the general act upon this subject would be avoided by the introduction of slaves into the United States by the mouth of the Sabine, whence they might be forthwith sent into Texas."

Extract & enclosure
Examined

No. 122.

Consulate of the United States of America
Havana, March 10. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

As an accompaniment to the document contained in my No. 121 of this date, regarded as illustrative of the spirit in which I have acted in relation to the alleged prostitution of our flag to the slave trade, I transmit (Enclosure No. 1.) a copy (made for ~~transmission~~ transmittion at the time it was written, but lost sight of in consequence of the pressure of other matters) of a letter addressed by me under date January 3rd 1839, to Commander Benjn Page pinr. of the U. S. ship Natchez.

Commander Page having touched here on his way to the windward islands, my letter was, on that occasion, written in compliance with an indefinite verbal request that I would address one to him. To that letter, I will add the substance of a conversation between us, which occurred in the presence of two american citizens, D. B. Ballard of Louisiana, and W. B. T. Elder of Baltimore,

who

who chanced to be in my office, when Commander Page paid it a visit to ask my opinion as to the course he should pursue under the circumstances supposed in my letter. My reply was, "make a prize of the vessel, of course, and send her to the United States." But, he objected, suppose she should show the American flag, and that this should afterwards be said to have occurred through mistake! It seemed to him very questionable whether the exhibition of our flag would be sufficient ground to warrant him in detaining her. I answered that I could only say how I would myself act under such circumstances: that if the American flag was once seen flying over the vessel, and she proved to have negroes on board, or to be equipped as a slaver, she should go to the United States; and they might there make to the Court any explanations they might have to offer concerning mistakes in hoisting flags or exhibiting papers.

I am, Sir, very respectfully,

Your obed.t Serv.t

A. J. Dallas.

Havana Consulate No. 122. Enclosure No. 1.

(Copy)

Consulate of the United States of America
Havana, January 3.d 1839.

To
Benjamin Page, Junr. Esqr.
Commanding U. S. S. Natchez.

Sir,

In reply to your request that I would communicate to you any matter that might exist here, bearing upon the duties of our naval service, together with the number of American vessels now in port, I have the honor to state that our vessels of every class amount to 59.

Upon the other topic I have happily nothing to say, except that among the vessels under our flag or provided with American papers, which your contem=plated cruise may afford opportunities for visiting, some may possibly prove to be engaged in the Slave-trade, either bound to the coast of Africa, equipped in the pe=culiar manner requisite for that purpose, or bound hitherward with negroes on board. Of the vessels

thus

thus engaged, a few are ships, of remarkably fine model and uncommon sailing properties, which belong also very generally to the rest, consisting of brigs and schooners, of burthens varying from one to two hundred tons; although sometimes, above or below those points.— Should you fall in with any vessel of the kind above referred to, there is more likelihood of her exhibitting her assumed American character if kept in ignorance of yours than if it be made known to her.

I am Sir, very respectfully
Your Obed.t Serv.t

(Signed) N. P. Trist.

End.

Havana Consulate No. 123.

(Sequel to No. 48.)

Case of
the
Brig "Antelope" of New Bedford.

No. 13 May
Mr Kingsgold

No. 123. (Sequel to No. 48.)

Consulate of the United States of America,
Havana, March 11. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

On looking over, preparatory to my approaching departure for the United States, the numberless papers to which the events of the last two or three years have given birth, I have found several which after being prepared for transmission at the period when they arose were lost sight of, in consequence of the incessant pressure of new subjects upon my attention. Among these, are the copies (Enclosures Nos. 1. & 2.) of letters which passed between me and the house of Charles Drake & Co. of this place, consignees of the Brig "Antelope" of New Bedford; and which are now transmitted, as the complement of the documents in that case, (see my No. 48. July 21. 1838). I have learnt within the last month or two, that captain Jacob S. Howell of the "Antelope" (more recently of the Brig "Thomas of Havana" — see my No. 61.* Decr. 18. 1838,) was engaged in having the public attention called through a Boston newspaper to his budget of grievances, as preliminary to an appeal to Congress.

This

* No. 61 sent to Senate Committee

This correspondence might, if time allowed, be made the topic of remark upon the illustration it affords of the position of a Consul with respect to the mercantile community (which, all things considered, is far from unnatural or inexcusable) to avoid delays & expenses, and the disposition consequent thereon, to make, in every individual case, without regard to general & ulterior results, the despatch of business, not only the paramount, but the sole consideration: the one object to which every other must be sacrificed, happen what may; and to which a Consul particularly must ever hold himself ready to display the most reverential devotion, as his duty & duties, and the point in regard to which his accountability is fearfullest.

It will be noticed that my letter adverts to certain "notorious events." To none were these events (involving a long & unbroken series of acts of insane drunkenness & unbridled ruffianism) better known than to the very contingency, the writers of the letter to me. That denizen had cloted as follows: on the day (Friday) the vessel cleared at the Custom House, captain Howell had said to the chief clerk of the ~~house~~ consignees, that he meant to go on board at 5 O'clock in the afternoon, and not come on shore again. Next morning, they received a message to come and get him out of the guard-house, where he was confined in consequence of having been taken up drunk in the streets during the night! On being released, he repaired on board, and

got

get his vessel under weigh; to no other purpose, however, than to run her aground in the most conspicuous part of the port and there make a spectacle of her & her flag by the most frantic behaviour, drinking, venting imprecations against the Consul, & upon the country, its government and all it contained, and repulsing with insult even a clerk of his consignees, sent to ask if he would have assistance to get his vessel afloat.

Had it been in him to remain sober long enough even to get under weigh properly, he would have escaped detention: for, owing to official remissness somewhere, the order for his detention under the complaint made by me on behalf of his crew, had not reached the Captain of the Port when the vessel was thus run aground in full view of his office, and made an object of general attention, wonder & disgust.

I will add only an incident belonging to the history of the hardships experienced by the black crew whom I rescued from his brutality. In my N°. 48, which contains a relation of their case, it is stated that they embarked, on monday the 23rd July, in the schooner "Hope & Susan," Capt. Folger, for Nantucket. Months after, upon Captain Folger's revisiting this port, I learnt to my surprise that the protection of those men had not, as I supposed, ceased with their being put safely on board the "Hope & Susan." On passing the guard-ship, near the mouth of the harbour, Captain Fol-

ger

ger (who belongs to that class of captains of whom our country may well be proud) had been visited by an officer from that guard ship, to demand the black "deserters" from the Brig "Antelope"! The commander of the guard ship knew nothing except that the master of the "Antelope" had made report to him that his crew had deserted and were making their escape with captain Folger, and had called for his assistance in securing them. Accordingly, they and their effects, in spite of all that they or captain Folger could say, were taken out of the vessel in which they fancied themselves beyond their oppressor's reach, and conveyed to the guard ship; and thence they would again have been consigned to jail, and have perhaps lain there famished for several days again before I should have received any intimation of what had occurred, had not the Captain of the Port, by the merest chance, happened to visit the guard ship at the moment when they reached it. Being acquainted with the case, he ordered their instant restoration to captain Folger's vessel; which, fortunately, owing to the lightness of the wind, had not yet got so far out of port as to render their return to it impracticable. But for this mere accident, their passage, which had been paid for by me, would have been lost; and the whole scene would

have

have been to enact over again. And this trick, of reporting his crew to the guardship, as deserters clandestinely harboured by captain Folger and stealing away from the port, was ventured upon in regard to men, who, at the Consul's special request, had been placed at his disposal by an express act of the Captain General, the highest authority in the country; and then, with the knowledge & assistance of the Captain of the Port, been placed by the Consul on board the vessel in which they were embarked. Of a piece with this, was the recklessness of the man's whole conduct during his long stay here. Besides being constantly under the highest excitement from liquor, he had been rendered actually frantic by such unheard of audacity as a Consul's pretending to interfere with a master in the course which it might be his pleasure to observe towards his crew.

I am, Sir, very respectfully,

Yrobservt.

N. P. Hill.

Havana Consulate No. 123.

Enclosures.

Havana Consulate No. 123. Enclosure No. 1.

(Copy)

Havana, 12 August, 1838.

Sir,

Learning that the Brig "Antelope", Cap: Howell, loaded and dispatched by us for Philadelphia, since 10 Inst., has been this morning prevented from setting sail in consequence of an order from H. E. the Captain General, issued in virtue of an application from you to have the Captain and mate of that vessel detained, and as her detention would be attended with great prejudice to her owners and the owners of her Cargo, we are under the necessity of requesting you to take the earliest possible measures to allow that vessel to proceed on her voyage.

We are not aware of the causes of detention of the above mentioned officers, nor how far we might be warranted to appoint others in their stead - We apply to you as the Official Protector of the interests of American Citizens and

take

leave to urge the above request on your earliest attention—

We are, truly,

Sir

Your Obt. Servants,

(Signed) Chas. Drake & Co.

W. P. Trist Esqr

U. S. Consul

&c &c &c

Havana

Havana Consulate No. 123. Enclosure No. 2.

(Copy)

Consulate of the United States of America

Havana Sunday evening, Augst 12th 1838

Mssrs Charles Drake &c.

Gentlemen,

I have the honor to acknowledge the receipt of your favor of this date, just handed to me by one of your clerks; and in reply, to repeat what I this morning said through two others from your house who visited me on the same errand:— that the master of the Antelope is detained in consequence of a complaint from me to His Excellency the Captain General, of conduct on the part of said master towards the crew brought by him to this port, which, had I been invested with power for such purposes, would already have been visited with exemplary punishement, and which will, I trust, yet be so from the authorities of the place.

That the mate is detained in consequence of his being the most important witness of the course pursued by the master towards those men from beginning to end. That I therefore recommended to you to adopt, if it lay in your power, immediate measures for despatching the vessel under other officers

officers: measures, the necessity of which could not but be esteemed most fortunate to all interested in the safety of the vessel or cargo; inasmuch as, from the notorious events of the last thirty-six hours, particularly, her being sent to sea under such command ought to, if it should not, invalidate any insurance upon either. —

I added what I also here repeat, my conviction that, even if the order given by H. E. had embraced the detention of the vessel (which I considered improbable) no difficulty would be experienced by you in making without loss of time all arrangements necessary for her immediate liberation; which conviction is founded upon full knowledge of the Captain General's views and habits of action in regard to the avoidance of all delays of this kind. —

I am Gentlemen, very respectfully
Your Obt. Servt.
(Signed) N. P. Trist.

Havana Consulate No. 124.

(Sequel to No. 61.) Examined

Case
of the
Brig "Thomas" of Havana.

The Brig "Thomas" is the vessel that was seized in the harbour of Havana, by the U.S. Ship "Ontario", (as reported in my No. 61.)— This communication contains the conclusion of the case. The last of the Enclosures (No. 6.) is my letter to the Capt. General, wherein the principle on which I had proceeded in the business is explained & vindicated.

A.J.

2. 13 May
Shipped

Copy ill

No. 124 (Sequel to No. 61.)

Consulate of the United States of America
Havana, March 11. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

Among the papers which have been long ready for transmission, awaiting only the period when I might command time for writing the necessary explanation of them, are those now enclosed, which will be seen to form a sequel to the documents in the case of the Brig "Thomas of Havana", first reported in my No. 61. Dec.r 18. 1838.— To be complete, they should be accompanied by some extracts (with comments thereon, showing their absurdity & falsehood) taken by me from the Protest made by Jacob S. Howell, master and (pretended) owner of the "Thomas", on the 8th of January 1839, before Don Felix Lancis, a Notary Public of this city; which Protest forms part of the "Espediente" enclosed for my inspection in the Captain General's letter of the 15th January 1839, replied to by mine of the 28th of the same month. This part of the Subject, however, must be postponed for the present.

En=

Enclosures Nos 1. & 2. are copies of notes that passed between the Captain of the Port and myself, in regard to the Spanish sailors who composed the crew of the brig "Thomas." They had left Havana in that vessel under the Spanish flag. At Key West, the flag had been changed without any agency of theirs; and they had returned in the same vessel to Havana. Here they had been arrested by order of the Captain General, in pursuance of my request (as is shewn in my No. 61) and were in confinement. Feeling for the hardship of their case, the Captain of the Port interested himself in their behalf, and orally addressed to me, through my clerk, the enquiry, whether I would have any objection to their being at once liberated, instead of being kept in custody until the matter should be decided. My answer proving favorable, his note was written, in pursuance of an intimation from me, and my reply led to the liberation of the men.

Enclosure No. 3. is a copy of my reply to a communication from the Captain General, (that I cannot at this moment lay my hand upon) enclosing an "Expediente" which consisted of a mass of documents appended to a memorial addressed to him by Capt. Jacob S. Howell of the "Thomas"; which memorial was made up of a string of absurd inventions in regard to the mode in which he had become proprietor of the vessel, & the purposes to which she was to

to be put, concluding with a prayer that he might be forthwith liberated, & his vessel be restored to him. — The Captain General, in pursuance of the advice of the Auditor of War, asked my opinion upon this prayer; and my letter contains my reply.

Enclosure No. 4. is a copy of my letter to the Captain General, enclosing, in pursuance of instructions that day received from the Secretary of State, the Document delivered at this office by Capt. Howell as the navigating Document of the Brig "Thomas."

Enclosure No. 5. is a letter from the Captain General, embodying the opinion of the Auditor of War on the general question of the rightfulness of the seizure of the Brig "Thomas" by the U. S. ship "Ontario" in this port. To this, as well as to my reply, (Enclosure No. 6.) wherein the grounds on which I proceeded in that case are explained, I beg leave to invite attention.

I am, Sir, very respectfully,
Yr. Observt.

A. G. Pitt.

Havana Consulate No. 124. Enclosure.

(Copy)

Capitania del Puerto
de la
Habana

Consecuente á lo que el escribiente de V me dijo el dia de ayer, dimanado de lo que vervalmente le dije hiciese á V presente, sobre poner en libertad la tripulacion española del bergantin amº Thomas; en razon a que esta clase de gente no interviene en el asunto que pendiente se halla; habiendo V accedido á ello, penetrado de lo que llevo manifestado á que en libertad deban ponerse (segun dicho escribiente me ha dicho) he de merecer de V se sirva decirmelo de oficio, á fin de que la primera autoridad lo permita.

Dios gũe a V mˢ aˢ Habana y Dicᵉ 22 de 1838.

(signed) Juan de Montaño

Sõr Consul de los Estados Unidos.

Copy ale (Copy)

Consulate of the United States of America
Havana, December 22. 1838.

Sir,

I have the honor to acknowledge the receipt of your ofico of this date, and in reply thereto, to repeat what I said yesterday in answer to the verbal enquiry from you, towit: that, under the circumstances of the case, (affording as they do conclusive reason for believing that the Spanish seamen composing the crew of the Brig "Thomas" were placed in the category in which they were found, through the acts of other persons, wherein they had no participation whatever,) I could see no just ground for prolonging their imprisonment.

I have the honor to be with much consideration, Sir,

Your Obed.t Serv.t
(Signed) N. P. Trist.

Sor Don Juan de Montaño
&c &c
Captain of the Port
&c &c &c

Havana Consulate N. 124. Enclosure N. 2.

Copy all (Copy)

Consulate of the United States of America
Havana January 28th 1839.

Engagements of such urgency as not to admit of postponement have prevented an earlier reply to Your Excellency's favor of the 15th inst. embodying a consulta of the Auditor de Guerra, and enclosing the espediente therein referred to as having arisen on the petition of Jacob. S. Howell, master of the Brig Thomas.

The subject on which Your Excellency's ofiio found me occupied having at length allowed me time for the examin-ation of these documents, the espediente is now, in compliance with Your Excellen-cy's request, returned, accompanied with the desired espresion of my views on the point presented in the Consulta of the Auditor de Guerra.

My object in requesting of

Your

Your Excellency the detention of the Brig Thomas, and the arrest of her crew was, as then stated, that both might be held here subject to the demand which the Government of the United States might make for their delivery. — In regard to the Spanish seamen composing the crew it clearly appeared from the circumstances made known to me by the Captain of the Port, that no criminality of intention attached to them; and I experienced no hesitation, therefore, in giving my consent to their liberation. With respect to the vessel and the master my request remains in full force. At the same time, however, entertaining, as I do, a perfect reliance upon Y. E's disposition to secure the avowed object of that request, I recognize the perfect propriety that this should be done in the most lenient way, and the least inconvenient to the parties, which to Y. E's good judg=

ment

-ment may afford a promise to be effectual.

I have the honor to be with the highest consideration,

Your Excellency's

Obedt. Servt.

(Signed) N. P. Trist.

His Excellency Don Joaquin de Ezpeleta

&c &c

Captain General

&c &c &c

Copy ale

(Copy)

Consulate of the United States of America
Havana, February 9th. 1839.

In compliance with instructions, this day received from the Secretary of State of the United States, I have the honor to enclose to Your Excellency the Document delivered at this Consulate by Jacob I. Howell, master of the Brig "Thomas of Havana", on the day after her arrival at this port under the flag of the United States. The ground upon which I am instructed to place this act is, that said vessel not being American property, she is not entitled to the protection or interference of the Government of the United States.

With a view to the identity of this Document, I have written upon it a certificate, authenticated by the seal of this Consulate, that it is delivered to Your Excellency in compliance with instruc-tions from the Secretary of State of the United States.

I

I have the honor to be, with the highest consideration,

Your Excellency's

Obed^t Servt

(Signed) N. P. Trist.

His Excellency Don Joaquin de Ezpeleta

&c &c &c

Captain General

&c &c &c

GOBIERNO
Politico y Militar
de la
HABANA.

Rec.d [illegible] 16. '39

Pasado al Sor. Auditor de guerra el espedte instruido sobre la detencion del Bergantin Thomas, me ha consultado con fha. 31. de Dic.e proximo lo que sigue.

„Escmo. Sor. = Con la detencion q.e su importancia reclama he examinado las precedentes comunicaciones oficiales q.e se sirve V.E. pasar á mi consulta, y hallando consignado con suficiente claridad el acontecim.to q.e las ha motivado en el parte q.e la Cap.a del Puerto dirigió á V.E. (cuya exactitud no ha sido variada evitaré detenerme en la referencia de los hechos y concretaré principalm.te mi informe á los puntos de dro. q.e ha citado en su últ.o escrito el Sor. Consul de los Estados Unidos. Dicho Sor. no podrá menos de combenir q.e el caracter publico Consular de que se halla revestido nunca puede autorisarlo para disponer p.r si mismo, q.e un buque q.e está anclado en bahia sea desamarrado de su puesto ó apresado

Inclosure No. 3.

Havana Consulate No. 124.

violentam.te p.r otro en los terminos q.e ha sucedido con el Bergantin Thomas," é "igualm.te combendrá q.e tampoco puede estar facultado p.a ello ningun Comand.te de buque de guerra sea cual fuere la razon q.e p.a ello le asistiese." "Asi lo ha conocido muy bien el Sor. Consul cuando imbitado p.r V.E. en su papel de reclamacion, dispuso q.e el citado Bergantin volviera á su puesto y se suspendiesen las demas medidas q.e habia adoptado," é bien fuese con su anuencia el Comandante de la Fragata Ontario, con lo cual ha dado dho. Sor. Consul una prueba evidente del buen deseo que le anima en evitar todo motivo q.e interrumpiese la buena intelig.a y armonia q.e debe reinar entre los delegados de dos Gobiernos amigos. Mas como al demostrar esta condescendencia dho. Sor. ha añadido algunas esplicaciones relativas al dro. esclusivo q.e su Gob.no tiene p.a conocer en este asunto, y marca al mismo tiempo los limites á que deben ceñirse las facultades y autoridad de V.E. no puedo menos de rectificar el equibocado concepto q.e ha padecido en este punto el Sor. Consul confundiendo el dro. con la accion de ejerci-

tarlo: Dice S. Sria. que el fundamento p.r el cual há tomado posecion del Bergantin Thomas y su tripulacion el Comand.te de la Fragata de los Estados Unidos Ontario á consecuencia de solicitud suya, es el de que se há cometido por el espresado buque una violacion de las Leyes de los Estados Unidos p.r habersele negado en alta mar y trahidose á este puerto sin los documentos competentes. Yo me astendré de calificar si há cometido ó no la espresada violacion, p.r q.e no corresponde á nuestro intento, ni V.E. há dicho nada sobre este particular al Sor. Consul. En buen hora haya incurrido el Comand.te del Bergantin en una infraccion de la Ley y se halla hecho digno de la pena q.e esta le señale. El Gob.no de los Estados Unidos decidirá este punto sobre el cual no se le há formado competencia p.r autoridad ni Tribunales Españoles, y quedale p.r lo tanto espedito su dro.: La accion de ejercitarlo en la bahia de este puerto ó el modo con q.e se verificó es lo q.e V.E. repugnó justamente é hizo presente al Sor. Consul = Añade dho. Sor. en su citada

comunicacion q.e considerando de su
deber dar los pasos necesarios p.a ha-
cer embargar un buque americano q.e
habia violado de tal modo las leyes
de su nacion, ocurrió al Comand.te de
la Fragata Ontario p.a q.e lo practicase
como se efectuó, y q.e de no haberse ha-
llado en bahia este buque de guerra
se hubiera visto en la nesecidad de
acudir á V.E. con este fin. Este ultimo
estremo es el medio legal de q.e debió
usarse encontrarse ó no en bahia bu-
que de guerra de su respectiva nacion,
y el unico q.e permite el dro. publico
de Gentes, cuyas leyes son comunes á
todos los payses: Y no pudiera ser de
otro modo sin abrir la puerta al ma-
yor desorden, p.r q.e todo buque de
guerra ó mercante q.e está surtido en
la bahia de cualquier puerto interin
permanesca en él está bajo la protec-
cion del Pabellon Nacional del Pais y
no puede ser ofendido ni molestado
p.r ningun otro sin conocim.to de la
autoridad sup.or del territorio: A esta
debe acudirse siempre con las quejas
ó reclamaciones q.e pudieran perturbar
el orden de la bahia, ó coartar de
algun modo la libertad del Comercio

„que ofrece el puerto á las demas
naciones garantiendo esta oferta con
sus mismas leyes, pues de permitirse
hoy un acontecimiento como el de q.e
se trata, mañana acaeseria otro menos
justo y el agrabiado se consideraria con
dro. de repelea una injusta agresion:
Tal es la linea de conducta q.e se obser-
va en todos los puertos maritimos,
y la q.e indudablem.te regirá en los de
New York y Boston, cuyo Gob.no no
permitirá p.r cierto q.e en las aguas
de su bahia haga ningun buque Es-
pañol ni de ninguna otra nacion
lo q.e en esta la Fragata Ontario, p.r
que seria un desaire al pabellon Na-
cional de los Estados Unidos y una
infraccion del dro. publico de las Na-
ciones=por todo lo espuesto concluyo
manifestando á V.E. q.e el Sor. Consul
de los Estados Unidos debió recurrir
á V.E. pidiendole el embargo del Ber-
gantin Thomas y las demas provi-
dencias q.e hubiera estimado conveni-
entes, en cuyo caso V.E. habria pro-
cedido con la buena armonia que
demandan los intereses y deveres
respectivos de dos naciones aliadas

"Y mediante á que el referido Sor. Consul há dado conocimto. de esta ocurrencia á su Gobno. debe V.E. hacerlo igualmte. al nuestro pa. qe. enterado de ella resuelva lo qe. estime mas conforme, á fin de qe. se eviten en lo sucesivo repeticiones de esta naturaleza. Tal es mi opinion V.E. determinará sin embargo lo que contemple mas acertado."

Y habiendome conformado con este dictamen, lo traslado á V.S. pa. su conocimto. y demas á que se contrahe.

Dios gue. á V.S. muchos años. Hab.a 15. de Enero de 1839.

Joaquin de Lopaleta

Sor. Consul de los Estados Unidos de America

59.

(Copy)

Consulate of the United States of America
Havana, February 13. 1839.

The same causes which delayed the acknowledgment of the ofico of Your Excellency under date the 15th ult., embodying the Consulta of the Auditor de Guerra upon the petition of Jacob S. Howell, master of the Brig Thomas, have operated to prevent an earlier reply to Y. E's ofico under the same date, embodying the consulta of the same officer under date the 31st December, upon the general principles involved in the proceedings which have taken place in regard to that vessel.

This ofico will be transmitted by me to the Secretary of State of the United States, to whom the courteous and friendly spirit which pervades it cannot fail to prove in a high degree gratifying; and, as the important point involved is now before our respective governments, it is with no small reluctance that I yield to the necessity of troubling Y. E. any further upon the subject. But the argument of the Auditor de Guerra is in some respects of a character

character to forbid that I should allow it to pass out of my hands entirely without remarks.

This argument sets out with the two positions: 1st That the Consul "cannot do less than acknowledge that the public character of Consul with which he is invested can never authorise him to determine or order by himself, that a vessel anchored in a bay shall be unmoored or taken possession of, violently, by another, in the manner that happened with regard to the Brig Thomas;" and 2nd That "he will equally acknowledge that neither can this authority reside in any Commander of a vessel of war, whatever may be the reason which should determine him."

To the first of these positions, I must reply by a reference to my former oficio to H. E., wherein I endeavoured to place in what I considered its true point of view, the real nature of Consular agency in a case of the sort. From the view there presented, it will be seen that I deem it to be the right and duty of a Consul to hold with the commander of a national vessel of his Government any communi=cation which he may judge proper; and that, for the nature of any such communication, or for any results with which it may be attended, what=

-ever

ever they may be, the Consul is not, in any man-
ner, accountable to the Government to which he is
accredited, but, solely and exclusively to his own. —
Whatever may be the conduct of a Consul in this
respect, whether avowed or supposed merely, it con-
stitutes a subject for the cognizance of his own
government exclusively; and one therefore, in
regard to which the government to which he is
accredited, cannot have any right, so much as
even to question him: the only mode of reaching the
subject at all being through the government whose
agent he is. Lest I should be so far misunderstood
as to be supposed to take this position in regard to
the Consular character generally, I will repeat that
it relates here solely to the one point, - the right of a
consul to be exempt from all direct accountability to
the government to which he is accredited, for any
communication which he may deem it proper to
make to a naval commander of his flag. Subject
as a Consul is to the laws of the country in which
he resides, his correspondence with the naval
commanders of his own, is a subject beyond the
cognizance of the authorities to whom he is ac-
credited, which cannot be officially enquired into
or noticed by them, and which cannot therefore

bring

bring the Consul into collision with the laws to which he owes respect and conformity. Whatever may be the results with which such correspondence may be attended, in the course pursued by a naval commander, every act committed by the latter must be considered by the authorities as his act; without any right on their part to look behind him and enquire whether his acts were done in consequence of advice or requisition from the Consul. Nor can this truth be affected by the circumstance that, in a case of the sort, the naval commander may prefer to communicate with the authorities through the Consul. In such case, the Consul is a mere organ of communication between the authorities and the naval commander; who is, with respect to them, the only cognizable agent in the business, and beyond whom they have no right to look, except directly to the Government whose commission he bears. If the Consul is known or supposed to have given improper advice or instructions to the naval commander, these may constitute a proper subject of representation to the Government whose agent the Consul is; but the question whether it was competent to the Consul to give such advice or instructions or any

other

other question relating to them, is one which cannot form a subject of discussion between him and the authorities to whom he is accredited.

From the first position of the Auditor de Guerra, I will pass to the second. This relates to the right of the commander of a national vessel to seize a merchant vessel under the same flag, in the waters of a friendly power. This is the true point of the case. It is one of high and general importance; and it will doubtless receive immediately from the two Governments the attention to which it is entitled.

In anticipation of their decision, the Auditor de Guerra assumes that the right does not exist; upon grounds which, although I acknowledge that they are not devoid of force, are yet far from appearing to me conclusive. For the reason above stated, I am, however, exempted from the necessity of troubling Your Excellency with any remarks upon the subject.

But the same exemption does not exist with regard to the position next assumed by the Auditor de Guerra, and in immediate

connection

connection with the foregoing. Having denied the right of the Commander of a national vessel to act as was done in this case, he proceeds to say "of this the Consul was well aware, when, requested by Y. E. in your letter of reclamation, he determined that the said Brig should return to her place of mooring, and that the other measures which he had adopted should be suspended."

Upon this inference of the Auditor from the course pursued by me, I am under the necessity of remarking, that it is not warranted by any part of the official correspondence which I had the honor to hold with Y. E. upon the occasion, nor by any circumstance in the proceedings. The question of the right of the Commander of the Ontario to make the seizure was not raised; and, with the dispositions which I entertained upon the occasion, I considered it fortunate that it was not raised; inasmuch as I was thereby left free to pursue a line of conduct which its agitation would have closed against me. Had that right been distinctly called in question, I

should

should have deemed it my duty to advise the Commander of the Ontario to maintain it. The restoration of the Brig to her moorings, in compliance with Your Excellency's request, could at most be viewed as an acknowledg-=ment of the duty to restore her, upon the demand of the authorities of the country; which is an essentially differ-=ent thing from an acknowledgment that the seizure was made without right. The one does not at all follow from the other. It is perfectly possible that on the one hand the right to make such seizures should be vested in national vessels, and be daily exer-=cised; and, on the other, that a right to demand the restoration of vessels thus seized, should be vested in the authorities of the country, to be exercised or not as they might deem proper. There is no incompatibility whatever between the two rights; and consequently a recognition of the latter, however expres and unqualified it might be, could not by any legitimate mode of

reasoning

reasoning be construed into an ac-
knowledgment that the former does
not exist.

But even the recognition here
supposed has not taken place, except so
far as it is susceptible of being drawn as
a legitimate inference, from the mere
fact of the restoration of the Brig, when
asked for by Your Excellency. In the
present case there was no assertion on
the part of the Authorities of the country,
of a general right to make such a de-
mand, and of the consequent duty to
comply with it. Had there been, it
could not, with my advice, have been
met by a recognition on the part of
the commander of the Ontario: for I
was then, and am at this moment, far
from being satisfied that it exists.

In conclusion, I beg leave to
remark that the course pursued in con-
sequence of Your Excellency's demand
was not intended to be considered, and
does not admit of being viewed, as a con-
cession of any general principle which
might be involved in the case. As

little

little do I so regard the course pursued by
Y. E. The matter fortunately admitted of
being so dealt with as to avoid the necessity
of bringing those principles into immediate
discussion; and the case, as it now stands
for the consideration of the two Governments,
presents only an instance of the satisfactory
manner in which a subject, dangerous
as it may be from the conflicting views of
the parties in regard to their strict rights,
may be disposed of when both are actuated
by a sincere desire to maintain harmony.
That desire was strong in me; and it was
manifested by Y. E. in a manner which
left me at liberty to indulge it without
reserve, and cannot but do you high
honor in all eyes.

I have the honor to be, with the high-
.est consideration Your Excellency's

Obed.t Serv.t

(Signed) N. P. Trist.

His Excellency Don Joaquin de Espeleta

Le Le

Captain General

Le Le Le

Havana Consulate No. 125.

Letter & Enclosures

Hendrick case

Testimony.

No. 125.

Consulate of the United States of America
Havana, March 14. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

As a supplement to the testimony heretofore transmitted, bearing upon the case of Capt. Wendell, (especially to the direct testimony of Messrs Spalding and Bruce, accompanying my No. 104, December 7. 1839) I now send (Enclosures Nos 1. & 2.) that of the Vice-Consul, Mr. John A. Smith, and of my clerk, Mr. Peter Crutcher, both ear-witnesses, if not eye-witnesses to all that passed between Capt. Wendell & myself.

This testimony will be seen to consist of statements under oath, sworn to before the British Consul, whose authentication they bear. It was my intention to draw up for these two witnesses, as I did for Mr. Spalding & Mr. Bruce, a series of precise questions adapted to that knowledge of the facts of the case which I knew them to possess; but

this

this purpose, after being unavoidably postponed from week to week for months past, is now at last relinquished; and I am under the necessity of contenting myself with the general testimony which they can bear to the fidelity of the statement of the case contained in my No. 62, under date December 24. 1838.

Mr. Smith, however, will soon be in our country, where he can be orally examined if necessary. Mr. Crusoe's statement has been written in the bed to which he has been confined for upwards of two months: a confinement from which, besides the serious loss of his services as copyist, have arisen numberless obstacles to the progress I might otherwise have made in the work of which there is a never ending accumulation upon my hands.

I am, Sir, very respectfully,

Yrobserd.

A. P. Phill.

Havana Consulate No. 125. Enclosure No. 1.

I, John A. Smith, do hereby depose as follows:
Ever since the month of January 1835, I have been discharging the duties of Vice-Consul in the Consulate of the United States of America at this place; and during the whole of this period I never have been absent from my post in the office, a single day or hour during office hours, excepting about three months confinement to my bed, by lameness in May, June, and July of 1838, and an absence of a few months in the States last summer and fall. During that confinement, I lay in a chamber partitioned off from the apartment occupied as an inner office, where the Consul sits, my bed not being more than five or six feet from the desk at which he sits. The partition is of Canvas, about eight feet high, and does not reach half way to the ceiling; so I could hear all that passed between the Consul and any one conversing with him in the inner office. It was there that the interviews took place between him and Captain Abraham Wendell of the Brig Kremlin in the month of July 1838; which interviews were of a nature to excite my interest and attention.

Toward the end of July, I was sufficiently recovered to resume my post in the outer office, which is not over fifteen or twenty feet from where the Consul sits in the inner office. The communication between the two offices is a door about six feet wide which has never been otherwise than wide open; and through which all persons having business with the Consul had to pass,

close

close by me. I have no doubt that I heard all that passed between the Consul and Captain Windell on any occasion when the latter visited the Consulate.

I have carefully read the statement of the said case contained in the Consul's letter to the Secretary of State, No 62 under date December 24th 1838.

That statement does to the best of my recollection, give an accurate account of every part of the case which came to my knowledge. The only error contained in it consists in the statement that I am from Salem, whereas I am from Newbury Port.

To the best of my knowledge and belief it represents truly and fairly the deportment and conduct of both the Master and Mate of the Kremlin throughout the whole business, and also of the Consul himself. Havana 14th day of March 1840.—

J. A. Smith

BRITISH CONSULATE

HAVANA 14 March 1840

I, C. D. Tolmé Her Britannick Majesty's Consul, do hereby certify, that

the S. a. Smith, — american Vice Consul in

this place, — was under the present date sworn

before me on the Holy Evangelists of God

to the truth of the annexed deposition.

In witness whereof I have hereunto set my hand and affixed my seal of office the day and year first abovewritten.

Ed Tolmé

Consul

I, Peter Brusoe, do hereby depose as follows: During the whole of the month of July 1838, I was employed as clerk in the American Consulate at this place; and generally sat in the same office with the Consul. In this way I was present at the interviews which took place between the Consul and Captain Abraham Wendell junr. of the Brig Kremlin, which greatly excited my interest and attention. The Consul's letter to the Secretary of State, No. 62, under date December 24. 1838, giving an account of that case, was, at the time it was written, copied out by me. Whilst making the copy I could not help saying "Mr. Trist I can't understand how you can recollect every thing so exactly as it happened;" to which he replied that there were so many dates and other particulars on

paper

paper to refresh his recollection that it was no difficult matter. All that had passed in my presence was stated precisely as it happened; and so far as I know or believe that letter gives a true and faithful account of the behaviour of Captain Wendell and of his mate. —

Havana, March 14th 1840.

Peter Crusoe

BRITISH CONSULATE

HAVANA 14 March 1840

I, C. D. Tolmé Her Britannick Majesty's Consul, do hereby certify, that Mr Peter Crudge, a clerk in the American Consulate, was this day sworn before me on the Holy Evangelists of God to the truth of the annexed deposition

In witness whereof I have hereunto set my hand and affixed my seal of office the day and year first abovewritten.

C D Tolmé

Consul

2. 25 March
Mr Ringgold

Steamer Gov.r Dudley, between Charleston
& Wilmington, Saturday night, March
21. 1840.

Hon John Forsyth
Secretary of State.

Sir,

I have the honor to inform you of the arrival of
W. Smith & myself last night at the port of Charles=
ton: having left Havana on Sunday the 15th inst.—
We shall stop tomorrow morning at Smithville, a little
town of N. Carolina, a few miles this side of Wilming=
ton, where we purpose to stay a fortnight, then leaving
to as to be in Washington about the 10th of April. This
place has been selected by me because, from its posi=
tion immediately on the Sea Shore, I suppose it free
from the heavy fog which I have found at Charleston,
and which is exceedingly hurtful to my throat, the only
weak point in my constitution at this moment; (my
general health being excellent) and because also,
from its seclusion, I shall have the command of time
which is indispensable to the writing which I have to
do

do, and the preparation of the numerous papers brought with me, written & half written, copied & half copied. The illness of my clerk (whom I left still confined to his bed) and the necessity of preparing for this joint absence of Mr. S. & myself (the inconvenience attending which has been tenfold what it would have been could either of us have remained at Havana) has had the effect of putting it out of my power to make progress in what my time ought to have been exclusively devoted to.

In pursuance of the arrangement announced in a letter written on the day after the arrival at Havana of the vessel in which we ~~have~~ come to Charleston, I left the Consulate in the charge of Mr. John Morland.

I am, Sir, very respectfully,

Yr Observt.

A. P. Hill.

P.S. I recd. to day from the hand of the Collector at Charleston, your favors of the 14th & 16th inst (duplicates) which arrived just too late to be forwarded by a vessel which sailed yesterday

Hon: John Forsyth
Secretary of State
Washington.

No - 31 March
Ningpo

No. 127. — (Havana Consulate.)

Smithville, N.C. March 27. 1840

Hon: John Forsyth
Secretary of State.

Sir,

Perceiving from the papers that, contrary to my expectation, an early adjournment of Congress is contemplated, I have laid aside every thing else, to make the enclosed draught (Enclosure No. 1.) of an act for remedying some of the most crying of the evils which are rife in our merchant service. Its best interests, no less than the character of our country's flag, demand imperatively that the subject be treated in a far more thorough & systematic manner; beginning with the very contract whereby the sailor is first brought under the power of the master, and following them step by step through all the necessities for legal protection to their respective rights, to which the relation gives rise. For a work of this kind, there is not now time. The provisions contained in the enclosed draught would, however, have the effect of putting an end in a great measure to the reign of unbridled ruffianism on board the class of vessels in which

it

it is at all times rampant, and on the other hand of affording to the respectable class of our Ship-masters some security against misconduct on the part of Sailors, not unfrequently of the grossest kind and productive of the most serious inconvenience & vexation.

The subject, with a view to which particularly I have at the present moment engaged in this task is, the three months' wages provision of the act of Feb. 28. 1803: a provision, the modification of which is, throughout the West Indies especially, a matter of the most urgent necessity. Of its operation, I have had more than one occasion to speak. At Havana, at least, it is such as to make it the most preposterous and deservedly hateful law that had ever come under my notice; and it proves the cause of an hourly renewing excitement and exasperation, which expose to incessant efforts at breaking through and subverting a state of things in regard to our Seamen, established at great pains, and admitted by all to be, in itself, eminently salutary & beneficial to all parties, Sailors, masters and owners. I am thus kept constantly in the predicament of the commander of a ship whose crew are in open mutiny.

Whilst this law can be demonstrated to be unattended (except in a few individual instances of ex-

remedy

(merely rare occurrence) with a single benefit, whole pages might be filled with the evils in every shape, of which it ever has been and daily is productive: the frauds, the perjuries, and above all the injurious influences which have flowed from it upon the condition of the sailor whom it was intended to benefit. It is an utterly impracticable law: never was complied with, and never will be. Any serious and systematic effort at its enforcement, continued for six months at any period since its enactment, would have awakened one universal shout from every ship master, ship owner & merchant of the country for its instant repeal. Never would its enforcement have been attempted by me had not the necessity been forced upon me, as the alternative to permitting the continuance of that clandestine discharge of seamen which is destruction to them, and of which it is the most efficient of all the causes. This grievous evil could not be put a stop to without bringing the masters face to face to me; and then there was no escape, without direct connivance on my part, from this most odious exaction. Its fruits are all evil, and these are in the most disastrous abundance. Considered merely in the light of a tax upon the sale of vessels (the least important of all its bearings) it proves sometimes a most oppressive & cruel aggravation of misfortune. If a ship be sent to a foreign country expressly

for

for Sale, there are various ~~ways~~ devices by which the tax may be, and is, evaded: the men may be all put down on the Crew List as foreigners, or they may be shipped "by the run", (in which case there is no monthly rate of wages for the law to apply to) or at nominal wages, one or two dollars a month. But if a master or his owner be overtaken by misfortune, and unexpectedly compelled to sell his vessel, then the Government knife finds flesh out of which to carve its pound, - then the Crew List and Shipping contract tell the truth, and the Consul is presented with the alternative of conniving at the (customary) arrangement between the captain & the men, whereby they agree to "desert", or of acting the odious part of tax-gatherer, extorting from the man who has lost his all a percentage of from five to ten upon the nett proceeds of the sale! It is as bad (as one of our first merchants recently observed to me) as the detestable "Alcabala", or property-sale tax, levied by Spanish despotism upon its helpless slaves.

This law has been the sole cause of the death of hundreds & hundreds of our sailors at Havana. It is absolutely indispensable and unavoidable that a circulation of seamen should, in that port, be constantly going on from vessel to vessel: men will die or fall sick

and

and crews must be had, by fair means or foul. It depends upon the action of Congress whether that circulation shall be a healthy circulation, taking place lawfully and openly, to the incalculable benefit of the sailor & to the advantage of all concerned, or a diseased circulation by the instrumentality of crimps and through their dens of debauchery, corruption, disease and death.

I do most earnestly beg that this subject may if possible effectually receive attention during the present session.

I am, Sir, very respectfully,
Yr obsevt.
A. P. Phill.

Every one of these visions has been suggested facts arising in the course of my official experience, & so strongly impressed upon my mind that they have now suggested themselves to me without my referring to a single note, of which I have made not a few, which will come into use hereafter.

An Act in addition to the act entitled "An Act supplementary to the "Act concerning Consuls and Vice Consuls", and for the further protection of American Seamen."

§1. Be it enacted &c That whenever any seaman or mariner shall, in any foreign port or place, be shipped or received on board of any ship or vessel of the United States as part of such ship's company or to serve or do duty in helping to work or navigate such ship, the master or commander shall, within twenty-four hours thereafter, produce such mariner or cause him to be produced, before the Consul, ~~or~~ Vice Consul, Commercial Agent or Vice Commercial Agent of the United States, there residing; whose duty it shall be to enter upon the ~~Crew-List~~ Crew-List brought by such ship or vessel from the port in the United States whence she cleared, the name of such ~~seaman or~~ mariner, together with the date of his appearance and all particulars concerning him, (as these may by himself be stated) now required by law to be set forth on such Crew List; and before the departure of the vessel from such foreign port all entries thus made ~~there~~ shall be authenticated by the hand and seal of office of the officer making them, which act of authentication shall embody a certificate stating in regard to each seaman or mariner so entered, the voyage or voyages or the term of service for which he shall ~~have~~ acknowledge before such officer that he has engaged, and also the wages agreed upon: and in regard to every mariner so entered on the Crew-List, the obligation of the mas

No earthly reason can be assigned why this obligation to account for seamen shipped in an American vessel should not apply as well to those shipped abroad as to those shipped at home. Gross abuses daily result from this omission of the law.

master to account for him to the first boarding
officer at the first port in the United States at
which he shall arrive shall be the same exactly
as if said Seaman had belonged to his origin
al Ship's company first inscribed on said Crew
List; and the bond given in relation to said ori=
ginal Ship's company shall be held and deem
to be of full force in relation to every such
additional Seaman or mariner.

all Seamen on the Crew-List.

§2. And be it further &c That ~~for every~~ if any Seaman or mariner be shipped or received on board any ship or vessel of the United States except in conformity with the provisions in this act contained, the master shall forfeit & pay for every mariner so shipped or received, one hundred dollars, to be recovered by the Consul, Vice Consul, Commercial Agent or Vice Commercial Agent, at such foreign port residing, in his own name for the benefit of the United States; or by any boarding officer at the first port in the United States at which the vessel shall arrive, one half for his own benefit and the other half for that of the United States; or by any Seaman or mariner for the benefit of the hospital for the gratuitous reception of mariners at or nearest to such port in the United States.

§3. And be it &c, That the provisions of the act to which this act is an addition which prohibit that any Seaman or mariner, whether american or foreign ‡, shipped in the United States shall be discharged at any foreign port or place from any vessel of the United ~~States~~ except with the consent of the Consul, Vice Consul, Commercial Agent or Vice Commercial Agent, there residing, are hereby extended to all Seamen and mariners wheretoever shipped.

§4.

‡ These words are logically superfluous. They are inserted with reference to a notion which has arisen through the neglect of the boarding officers in discharging their duty, and which prevails universally. That notion is, that ~~[illegible]~~ the obligation to obtain the consent of the Consul to the discharge of a seaman applies only to those who are on the Crew list as american citizens. By examining the law (Act of Feb 28. 1803. §1.) it will be seen that this provision applies indifferently to all seamen on the crew-list.

*

3d. And be it &c. That whenever, owing to the unhealthiness of any foreign port and the consequent risk of detention there, or to the active demand for seamen, or to any other cause, the Consul, Vice Consul, Commercial Agent or Vice Commercial Agent, there residing, shall be fully satisfied that it is for the interest of any Mariner to receive his discharge from the vessel that brought him to such port, and said mariner be consenting thereto; or whenever a ship or vessel of the United States shall be sold at any foreign port where it shall be in the power of the persons composing such ships' company to obtain without loss of time situations at equally high wages on board of other vessels of the United States; then and in such case, it shall be lawful for the Consul or Commercial Agent to give his consent to the discharge of such mariners without demanding, as is prescribed by the third section of the act to which this act is an addition: provided that except in the case where the mariner to discharged shall immediately engage on board of some other vessel of the United States, the Consul or Commercial Agent shall, at the option of the master, require him to pay the three months' wages or provide for such mariner a suitable passage to the United States, and give satisfactory security that, if previously to the departure of the vessel such mariner shall become

* This modification of the three months wages provision is of the most urgent necessity.

with a suitable maintenance until the departure of the vessel wherein such passage shall be provided and suitable clothing for the season if he be destitute, and other

~~disabled by sickness~~ for the voyage by sickness,
~~[illegible]~~ he shall be properly cared for under the direction of the Consul ~~without~~ or Commercial Agent, at the expense of the owner of the vessel from which he shall have been discharged.

§5. And be it &c That ~~in every case of the discharge of~~ whenever any seaman or mariner shall be discharged from a ship or vessel of the United States at any foreign port or place, the master of such vessel shall, for each seaman or mariner so discharged, pay into the hands of the Consul, Vice Consul, Commercial Agent or Vice Commercial Agent, there residing, five dollars, for the purpose of creating a fund for the relief of destitute mariners, citizens of the United States, or any ~~destitute~~ mariner who ~~shall~~ may become destitute in consequence of being wrecked in a ~~ship~~ vessel of the United States; which fund shall be applied and accounted for in the way prescribed in the third section of the act to which this act is an addition: provided that ~~said~~ such payment of five dollars shall not be demanded in any case where the three months' extra wages shall be paid.

§. 6. And be it further &c That the provisions contained in the second section of the act to which this act is an addition, requiring the master of every ship or vessel of the United States on his arrival at a foreign port to deposit his Register with the Consul, Vice Consul, Commercial Agent or Vice Commercial Agent there residing, under the penalty of five hundred dollars, are hereby extended likewise to his Shipping-Articles or the contract or contracts in writing which he may have with the persons composing his ship's company.

§7. And be it further &c That whenever, in case of the refusal of a crew or of any mariner to do duty, or of any other act of insubordination, the master of the vessel on board which such act occurs shall apply for aid to any Consul

‡ This is a new provision. It is demanded by humanity & common decency.

‡ The necessity of this is obvious to every man who has ever passed a month in a Consulate, the British govt. (from whose laws our old, obsolete enactments were taken) made this addition long ago.

sul, Vice Consul, Commercial Agent or Vice Commercial Agent, or to the authorities of the place, it shall be the duty of such Consul or Commercial Agent before he render such aid or consent to its being rendered, to ascertain by inspecting the Shipping-Articles or Contract whether such crew or mariner be at the time bound to the vessel; and if the contrary appear, then it shall be the duty of such Consul, Vice Consul, Commercial Agent or Vice Commercial Agent to require of such master forthwith to bring every such mariner before him to receive his discharge if it be demanded: and if any master shall fail to comply with such requirement he shall, upon conviction thereof before any District or Circuit Court of the United States, forfeit and pay the sum of one thousand dollars. In every

+ case of such refusal it shall be the duty of the Consul or Commercial Agent to transmit by duplicate to the Secretary of State, a certificate thereof under his hand and seal of office; which certificate shall be received in evidence on the prosecution for such refusal.

§ 8. And be it &c, That if any mariner detained on board of any vessel of the United States in any foreign port or place, shall personally or by letter or message, make application to the Consul, Vice Consul, Commercial Agent or Vice Commercial Agent, there residing, asking to be discharged on the ground that the voyage or term of service for which he contracted has expired, it shall be the duty of such Consul, or Commercial Agent, if upon inspection of the contract such allegation prove true, forthwith to summon the master & make of him the requirement prescribed in the foregoing section; which requirement shall be complied with under the penalty therein established, ‡ and if any Consul, Vice Consul, Commercial Agent or Vice Commercial Agent shall neglect or omit to pursue the course prescribed in this and the last foregoing section, he shall, upon conviction thereof before any District or Circuit Court of the United States, forfeit & pay the sum of one thousand dollars, and be incapable of holding any office of profit or trust under the Government of the United

‡ to be sued for upon the certificate of such Consul or Commercial Agent, which it shall be his duty to transmit as prescribed in the last foregoing section:

§9. And be it &c. That upon the occurrence of any such case as is provided for in the seventh and eighth sections of this act, if that part of the Contract wherein is defined the voyage or the term of service contracted for ~~is specified~~ defined bear upon its face any erasure which cannot be made out, or any erasure or interlineation whereby the service contracted for shall be made different from what it would be without such erasure or interlineation, or any addition in a different ~~hand~~ handwriting from that wherein the first part of such voyage or term of service is written, then and in such case, it shall be the duty of the Consul or Commercial agent to decide in favour of the mariner asking to be discharged; which he shall likewise do in any case where the master shall fail to produce a contract in writing, signed by such mariner, as is now required by law: and every contract altered in such manner as to be made the ground of such decision shall be retained by the Consul or Commercial agent, who shall deliver to the master a copy of that part of said contract wherein the voyage or the term of service is expressed, authenticated under his hand & seal of office, and transmit the original to the Secretary of State.

§10. And be it &c, That if any master or commander of any ship or vessel of the United States shall, knowingly and with fraudulent intent, in any way alter, or permit to be altered, any contract signed by, or bearing the name & cross of, any mariner in his employ, such master shall upon conviction thereof before any District or Circuit Court of the United States forfeit and pay one thousand dollars and suffer imprisonment for a term not less than one year.

§11

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§11. And be it &c. That if the mate or first officer under the master, and a majority of the crew of any ship or vessel of the U.S. at any foreign port, shall discover that she is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on her intended voyage from such port, and shall make a representation to that effect, personally or by writing or message, to the Consul, Vice Consul Commercial Agent or Vice Commercial Agent, it shall be his duty forthwith to appoint three ~~of the most respectable ship masters of vessels of the United States, or if there be not that number in port~~ persons, the most skilful in maritime affairs that can be procured, as surveyors to repair on board such vessel and examine the same in respect to the defects & insufficiencies ~~[illegible]~~ complained of, and to make report to him in writing under their hands and oaths, whether in any or in what respect the said vessel is unfit to proceed on the intended voyage, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle or apparel will be necessary; and upon such report, the said Consul or Commercial Agent shall adjudge & determine, & shall endorse on said report his judgment, whether said vessel is fit to proceed on the intended voyage and the master & crew shall in all things conform to the said judgment; and the master shall, in the first instance, pay all the costs of such view or survey, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the said Consul or Commercial Agent. But if the complaint of the crew shall appear, upon said report & judgment to have been without foundation, then the master or the owner or the consignee of the vessel, shall deduct the amount thereof

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‡ This is copied literally (as near as the subject admits) from the act of July 20. 1790, §3. — This provision is loudly called for: the most outrageous cases do sometimes occur for want of it. — The powers here given to a Consul are there given to any Justice of the peace. The punishment to the refractory sailor will be deem to be less severe in this act than in that from which it is copied.

and of reasonable damages for the detention (to be ascertained by the said Consul, Vice Consul, Commercial Agent or Vice Commercial Agent) out of the wages growing due to the complaining seamen or mariners. And if, after such judgment, such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the said seamen or mariners or either of them, shall refuse to proceed on the voyage, and the master shall be unwilling to take them or either of them by compulsion, the said Consul or Commercial Agent shall apply to the proper authorities of the country, if the laws thereof admit of such proceeding, to cause every such seaman or mariner (who shall be refusing) to be kept in custody until some vessel of the Navy of the United States shall visit such port; upon the arrival of which vessel every such seaman or mariner shall be received on board (the commander of said vessel causing the expense of said arrest & confinement to be paid by the master thereof) and be there compelled to serve without compensation for the term of six months: provided, that no seaman or mariner shall be so held in confinement for a period exceeding ninety days; at the expiration of which period (or before, if in the judgment of the Consul or Commercial Agent the circumstances of the case shall warrant it) he shall be released; the said Consul or Commercial agent paying the expenses of his detention, which shall be refunded by the United States.

§12. And be it &c, That if any seaman or mariner, bound by lawful contract to a ship or vessel of the United States lying in any foreign port or place, shall, in violation of such contract, refuse to proceed on any lawful voyage, or to do his duty on board in a proper manner, or shall be guilty of petty theft or of wilful waste or damage to the vessel

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§11. And be it &c. That if the mate or first officer under the master, and a majority of the crew of any ship or vessel of the U.S. at any foreign port, shall discover that she is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on her intended voyage from such port, and shall make a representation to that effect, personally or by writing or message, to the Consul, Vice Consul Commercial Agent or Vice Commercial Agent, it shall be his duty forthwith to appoint three ~~of the most respectable ship masters of vessels of the United States, or if there be not that number in port~~ persons, the most skilful in maritime affairs that can be procured, as surveyors to repair on board such vessel and examine the same in respect to the defects & insufficiencies ~~[illegible]~~ complained of, and to make report to him in writing under their hands and oaths, whether in any or in what respect the said vessel is unfit to proceed on the intended voyage, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle or apparel will be necessary; and upon such report, the said Consul or Commercial Agent shall adjudge & determine, & shall endorse on said report his judgment, whether said vessel is fit to proceed on the intended voyage and the master & crew shall in all things conform to the said judgment; and the master shall, in the first instance, pay all the costs of such view or survey, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the said Consul or Commercial Agent. But if the complaint of the crew shall appear, upon said report & judgment to have been without foundation, then the master or the owner or the consignee of the vessel, shall deduct the amount thereof

an

‡ This is copied literally (as near as the subject admits) from the act of July 20. 1790, §3. — This provision is loudly called for: the most outrageous cases do sometimes occur for want of it. — The powers here given to a Consul are there given to any Justice of the peace. The punishment to the refractory sailor will be deem to be less severe in this act than in that from which it is copied.

and of reasonable damages for the detention (to be ascertained by the said Consul, Vice Consul, Commercial Agent or Vice Commercial Agent) out of the wages growing due to the complaining seamen or mariners. And if, after such judgment, such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the said seamen or mariners or either of them, shall refuse to proceed on the voyage, and the master shall be unwilling to take them or either of them by compulsion, the said Consul or Commercial Agent shall apply to the proper authorities of the country, if the laws thereof admit of such proceeding, to cause every such seaman or mariner (who shall so refuse) to be kept in custody until some vessel of the Navy of the United States shall visit such port; upon the arrival of which vessel every such seaman or mariner shall be received on board (the commander of said vessel causing the expense of said arrest & confinement to be paid by the master thereof) and be there compelled to serve without compensation for the term of six months: provided, that no seaman or mariner shall be so held in confinement for a period exceeding ninety days; at the expiration of which period (or before, if in the judgment of the Consul or Commercial Agent the circumstances of the case shall warrant it) he shall be released; the said Consul or Commercial agent paying the expenses of his detention, which shall be refunded by the United States.

§12. And be it &c, That if any seaman or mariner, bound by lawful contract to a ship or vessel of the United States lying in any foreign port or place, shall, in violation of such contract, refuse to proceed on any voyage, or to do his duty on board in a proper manner, or shall be guilty of petty theft or of wilful waste or damage to the vessel

bel, or of insulting language or deportment to the master or officers, or of drunkenness, and shall persist in such rebellion or misconduct, the Consul or Commercial Agent shall, on the complaint of the master, cause such mariner to appear ~~before~~ before him and shall admonish him on the subject; and if such ~~mis~~conduct shall nevertheless be persisted in, the Consul or Commercial Agent shall on satisfactory proof of such perverse behaviour, cause said mariner to be taken into custody and dealt with in the manner prescribed in the section last preceding; and if any mariner shall strike or lay violent hands upon the master or any officer of such vessel, the Consul or Commercial Agent shall on satisfactory proof of the fact, if the master demand it, forthwith cause such mariner to be taken into custody and dealt with in the same manner.

§13. And be it be That if a majority of the crew before the mast of any ship or vessel of the United States at any foreign port shall, [+] complain to the Consul, Vice-Consul, Commercial Agent or Vice Commercial Agent there residing, that the bread or meat or water furnished to them is of bad quality or insufficient in quantity, or that their fare is not such as Seamen in port ought to be supplied with, said Consul or Commercial Agent shall forthwith proceed to ascertain the truth of the matter and to pass judgment thereon by the same course of proceeding in all respects as is ~~bid~~ prescribed in the eleventh section of this act; and the master and crew shall in all things conform to such judgment. If the complaint prove well founded, and the master do not forthwith remove the grounds thereof, the crew shall be entitled to demand their discharge, which, and the penalty established in the seventh section of this act, shall be given on the requirement of the Consul or Commercial Agent; and if it shall clearly ap-

[+] personally or by letter or message.

fear that the crew have been made to suffer, either in port or upon the voyage thither, by being kept upon decidedly bad and unwholesome provisions, or upon short allowance, and that this had been the result of wilfulness or of neglect on the part of the master, then and in such case ~~he~~ such right to demand their discharge shall forthwith accrue; nor shall it be affected by the fact that the master may have been fit to have the same provisions served upon the cabin table. If at the time any such complaint is made, there be in port any vessel of the navy of the United States, the commander thereof shall, at the request of the Consul or Commercial agent, ~~forthwith~~ appoint two or more competent officers who shall forthwith repair on board the vessel of the complainants and there make the proper enquiry and examination; and upon the report made by such officers shall the judgment in the case be founded.

§ 14. And be it &c. That it shall not be lawful for any officer of any ship or vessel of the United States to strike (except in self-defence against personal violence) any seaman, mariner, boy, ~~or~~ apprentice ~~or servant~~ belonging to such ship or vessel, nor to lay violent hands upon him or deprive him of freedom on deck, unless it be in pursuance of an express order from the master thereof for the purpose of inflicting upon such seaman, mariner, boy, ~~or~~ apprentice or servant lawful chastisement in a lawful way for misconduct justifying the same; and if any person belonging to a ship's company shall, either at sea or in port, have personal violence done him in any way contrary to the true spirit and intent of this enactment, he shall recover treble damages for the same in an action brought in any court of the United States having competent jurisdiction, ~~&~~ against

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the master or the owner or owners of the vessel
and if he be an apprentice, and his parent or guar-
dian demand it, any indentures binding him to the
master or owner shall remain null & void: provi-
that nothing herein contained shall have any eff
to weaken the legal accountability incurred by
such act of violence under any other law touch-
upon the subject.

§15. And be it te, That if, in any foreign port
or on the voyage thither, any seaman, mariner,
boy, apprentice or servant shall have personal violen
done him by any officer contrary to the true spiri
and intent of the last foregoing section of this act,
or if he be struck by the master (unless it be in
self-defence against personal violence) or receive
from him personal violence or injury of any kind
except in the way of lawful chastisement inflicted
in a lawful manner, it shall be the duty of the Co
sul, Vice Consul, Commercial Agent, or Vice Co
mercial Agent there residing, upon complaint ma
by such person or on his behalf, to demand the
master and the complainant and witnesses before him, and if the fact
of such unlawful violence be established, then
to decree the discharge of the person upon whom
it shall have been committed, which decree shall
be complied with under the penalty established in
the seventh section of this act; and if such person
shall have received any blow on his head or appear-
ance in any way, the Consul shall cause him to be
forthwith examined by a competent medical practi-
tioner, who shall give under his hand a ~~writ~~
certificate of the result of such examination; and
the costs of such proceeding shall be taxed and paid
in the manner prescribed in the eleventh section of
this act; and the master shall pay also, under the
direction of the Consul or Commercial Agent, the
expense of any medical treatment which the case

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may require, together with a suitable maintenance for such person while disabled, or, if not disabled, until he can procure employment on board of some other vessel: provided that such proceeding shall not in any way affect the right of the person in whose behalf it is had to seek redress or compensation for the injury suffered in any court of the United States of competent jurisdiction; nor to weaken any legal accountability incurred by such act of violence under any other law bearing upon the subject.

§16. And be it so, That every Consul, Vice Consul, Commercial Agent and Vice Commercial Agent shall keep a record-book, in which, on the occurrence of any such case as is provided for in the seventh and eighth sections of this act, shall be entered a true and exact copy of that part of the Shipping Articles or contract wherein is defined the voyage or the term of service contracted for, which entry shall be followed by a statement that said part of the contract does, or does not, (as the case may be) bear upon its face any erasure or interlineation, or an addition in a different handwriting from that wherein the beginning thereof is written; and if it do contain any, then a further statement explaining the nature of every such erasure, interlineation or addition; and every such entry shall be followed by another, stating the decision made in the case. At the end of every quarter-year, a transcript of all such entries shall be transmitted in duplicate to the Secretary of State; who shall cause them to be examined by some competent person, and if any such decision shall appear to be contrary to law, a proper instruction in that regard shall be transmitted to such Consul or Commercial agent for his government in future. If any Consul, Vice-Consul, Commercial agent or Vice Commercial

cial agent, shall, with a view to favour either party
in such case, fail to enter or cause to be entered
recorded in the way hereinbefore directed, a true
and exact copy and account of that part of the
shipping contract there designated, such Consul,
Vice Consul, Commercial Agent or Vice Consular
cial Agent shall be dismissed from office, and
shall, upon conviction thereof in any court of
the United States, forfeit and pay two thousand
dollars and suffer imprisonment for the term
of two years.

13 april
Thingyold

Ans Havana

for information

House of Representatives, April 13. 1840 –

Hon. John Forsyth, Secretary of State –

Sir –

I am informed by Messrs. Wm. Purnington, Saml Gray & al. late owners of the Ship New Orleans, of Bowdoinham, Maine, registered at the Port of Bath, that said Ship was lost on the Grand Caymanas, Oct. 1837, where the Capt. (Webber) soon after died; that part of the property saved from the wreck, was sold by Jas. Coe, senior, Vice Consul there, and the proceeds forwarded to the Consul at Jamaica, by whom it was used for the benefit of Seamen, and a part to Consul Trist, at Havana, who says he forwarded the same to the Department of State. I am also requested to apply to the Department for information respecting said proceeds, and for the money, if any there is, belonging to said owners –

I am Sir, very respectfully
Your obdt. servt.
Benja. Randall –

Mr. Trist, Consl at Havana, has accepted to the money for $210 70/100, on acct of those interested in the above Vessel, which will be paid to them on application to the Comptroller.

Hon. John Forsyth

Secretary of State —

Ans^d Havana

Rec^d 14 April
Mr Ringgold

U.S. Dist^t Atty's Office,
Baltimore, 13th April 1840.

Hon^r J. Forsyth,

Sir,

Mr Connor Trist states & has that he addressed you, something at length, on receiving a copy of Capt. Baily's Deposition in the affair of the "Hazard," relative & which before Suits & prosecutions are depending —

Will you have the goodness to favour me with an Extract of the facts contained in that Communication?

Respectfully Yr. Ob. Ser^t
Nathl Williams

FREE.

Hon J. Forsyth
Secretary of State
Washington

Washington City Augt. 18th. 1840.

Received from the Chief Clerk of the Department of State the original record, in Spanish, in the criminal action against Abraham Mendalsky, at Havannah, for translation.

Alex. Dimitry

No 2 - 5 May
Mr Niles - Sent to Committee

No. 128. (Havana Consulate.)

Washington, May 5. 1840

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to transmit Enclosure No. 4 to my communication No. 84; which enclosure will be seen to consist of the documents of the case of the Crew of the Ship William Engs, accompanied with the remarks & explanations deemed requisite to the full understanding of the Subject. It is one especially entitled to attention, as involving the one single point in regard to which the numerous attacks upon my conduct & character possess the faintest air of plausibility: I refer to the alleged discrepancy between a statement contained in my letter to commander Babbit, under date December 10th 1838, and my communication to the Captain General, under date July 11. 1838. For the demonstration that this air of plausibility is utterly deceptive, and can have existence only for a mind entirely uninformed in regard to the points a knowledge whereof is requisite to any judgment upon the Subject, I

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refer to my No. 106.

The other enclosures of the series to which the present belongs (and which were referred to by anticipation in my No. 84) will follow so soon as I can have the copying done, & can command time for arranging ~~them~~ their component parts in the way that those of this one are.

I am, Sir, very respectfully
Yrs Obsert.
N. F. Hill.

Enclosures del.d to Mr. Stubbs.

Ans.d 11 May
Mr Ringgold

No. 129. (Havana Consulate)

Washington, May 8. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to enclose herein my accounts & vouchers for the half year ending December 31. 1839; to wit:

Account for the relief of Destitute Seamen.
Account with the Department of State.

I am, Sir, very respectfully
Yr Observt.

N. P. Hill.

Rec^d 11 May
Mr Ringgold

No. 130. (Havana Consulate)

Washington, May 9. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to transmit herewith the Return of American Shipping and the Statement of Fees of the Consulate of the U. S. of A. at Havana, for the half year ending Decr. 31. 1839. — The completion of these documents was delayed in consequence, partly, of the illness of my clerk, which I have so often had occasion to mention; (and has, probably, before this terminated fatally) and, though brought with me, on my departure from Havana on the 15th of March, the pressure of other matters upon my attention has been such as to cause them to lie forgotten amidst the trunkful of papers whereof they formed part.

I am, Sir, very respectfully,
Yr. obsevt.
A. P. Nils.

Rec'd with Mr Trist's No 130.

Consulate at Havana.

Consul, N. P. Trist.

Half year ending December 31st 1839.

Return of American Shipping:

Whole number of vessels (arrived) . . . . 309.

Whole amount of Tonnage . . . . 44289.

Whole number of Seamen all told (masters included) 2385.

This includes 49 arrivals of Smacks, bringing live fish caught on the Florida coast. — For other details see the Recapitulation at the end.

Consular Return.

of American Vessels arriving at and departing from Havana, from first day of July to the thirty first day of December 1839 inclusive

Date of Arrival	Class	Name	Burthen	Master	Crew in American	Crew in Foreign	Where From
July 2	Brig	Douglas	210	A. Barker	7	3	New Orleans
" 3	"	Elizabeth	219	E. D. Choate	7	2	Boston
" "	Schoon	Caledonia	94	I. W. Potter	7		Vera Cruz
" "	Bark	Isadore	240	I. L. Springer	8	2	Matanzas
" 5	Brig	Tariff.	181	W. Walker	6	1	Portland
" 8	"	Catherine	131	W. P. Rose	6	2	Charleston
" 14	"	Cumbasselt	231	I. Wilson	7	2	Boston
" "	"	Perseverance	176	I. Burnham	7	3	Lake Bayou (Miss)
" 15	Schoon	Guat. Packet	84	I. I. LaBrou	4	4	Belize
" 18	Bark	Isaac Ellis	222	I. H. Spring	9	1	New York
" "	Schoon	Hero -	126	I. A. Delano	5	3	New Orleans
" "	Brig	Spy	137	I. Palmer	5	2	St Josephs
" "	Bark	W. & Francis	226	P. Flowery	7	4	New York
" "	Brig	Pat. B. Blount	120	I. Pederson	5	2	Ditto
" "	"	Delta	224	I. W. Francis	3	6	Montevideo
" "	Schoon	Creole	98	L. Cormier	5	2	New Orleans
" "	Brig	Susan	133	M. Gay	7		Boston
" 19	"	Empress	180	A. Littlefield	6	1	Ditto
" "	"	Forest	220	P. G. Winslow	7	2	Portland
" "	"	El Caballero	164	W. W. Huffington	7	4	Nassau (N P)
" "	"	Susan Jane	263	A. Winslow	7	2	Portland
" 21	"	J. C. Calhoun	117	R. Bullen	6	1	Charleston
" "	Schoon	Gl. Warren	129	G. M. Call	6	1	Philadelphia
" "	"	Napoleon	129	I. Filmer	5	1	Bath
" 24	Brig	Magnolia	172	E. Brazier	5	2	Portland
" "	Bark	Hebron	297	H. Barber	9	4	Maine
" "	Ship	Casco	286	P. Hall	7	3	Portland
" "	"	Gondola	409	I. Reme	11	3	Liverpool
" 29	Brig	Dante	218	G. L. Stanwood	7	1	Portland
" "	Schoon	Hope & Susan	74	C. M. Folger	4	1	Carthegenia
" "	"	Laurce	99	I. Tyler	5	2	Tobasco
" 1	"	Franklin	141	I. Crocker jun	5	1	Boston
32			5750		202	68	

Where belonging	Ports touched at	Cargo inward	Value of inward	Amount of cargo
Duxbury		Flour & Lard		
Boston		Lumber		
Jersey City		Wire cochineal &c		
Portland		Ballast		
Ditto	Matanzas	Lumber		
Charleston		Rice		
Portland		Lumber & candles		
Baltimore		Timber.		
Ditto		Hides, indigo &c		
New York		Jerked beef		
New Orleans		Lard, Flour & pork		
Philadelphia		Wood.		
New York		Assorted		
Ditto		Ditto.		
Boston		Jerked beef		
New Orleans		Flour & lard		
Boston		Assorted.		
Portsmouth		Shooks, lard &c.		
Portland		Lumber.		
Baltimore		Lard, pork &c		
Portland		Lumber		
Charleston		Rice		
Philadelphia		Assorted		
Pittston		Lumber.		
Portland	Matanzas	Ditto		
Boston		Ballast		
Portland		Lumber		
New York		Ballast		
Portland		Lumber		
Nantucket		Fustic		
Baltimore		Logwood & cochineal		
Machias		Lumber		

Return — continued.

Cargo outward	Value of outward	Crew out Women	Crew out Young men	Date of departure
Assorted		7	3	August 4th
Molasses		6	3	July 31st
Assorted		5	2	August 1st
Molasses		8	2	July 17
Ditto		6	1	" 20
Ditto & sugar		6	2	" 27
Ditto		7	2	August 7th
Ballast		7	3	" 17
Assorted		4	3	" 7
Sold				October 1st
Sugar, cegars & fruit		5	3	August 17
Sugar &c		5	2	" 12
Sugar. cegars &c		7	4	" 4
Sugar. cegars & fruit		5	2	July 31
Smoked beef		5	4	August 8
Molasses		5	2	" 3
Ditto		7		July 31
Sugar, coffee, cegars & fruit		6	1	August 12
Molasses.		7	2	" 17
Ditto cegars & fruit		7	4	" 6
Sugar do & do		7	2	" 17
Molasses		6	1	July 28
Ditto		6	1	August 10
Do Ditto		5	1	" 7
Ballast		5	2	" 10
Ballast		9	4	" 2
Molasses		7	3	September 5
Sugar		11	3	August 9
Molasses		7	1	" 28
Ballast		4	1	" 10
Assorted		5	2	" 20
Molasses		5	1	" 24
		192	67	

Consular Return - continued

General remarks
Africa
Boston
Vera Cruz
Boston
Portland
Charleston
Portland
Matamras
Honduras
Sold
New Orleans
New York
Ditto
Ditto
Key West
New Orleans
Philadelphia
Portsmouth
Portland
Baltimore
Portland
Charleston
Philadelphia
Boston
Portland
Boston
Ditto
New York
Boston
New Orleans
Vera Cruz
Boston

X 2

Consular Return continued

Date of Arrival	Class	Name	Burthen	Master	Crew in American	Crew in Foreign	Where from
Aug 3	Schoon	Water Witch	121	J. Dupuie	7	1	New Orleans
"	Brig	Ivanhoe	192	J. Almy	6	4	Ditto
" 5	"	Elizabeth	152	J. J Remington	6	3	Philadelphia
"	"	Chili	110	J. Bonney	6	2	Charleston
"	Schoon	Cutt Campbell	56	F. H. Corry	5	1	Baltimore
"	"	Helen	98	J. B. Hale	5	2	Mobile
"	Brig	Emeline	127	J Waltham	5	2	Matamas
" 6	Bark	Ellen	227	M. S. Gordon	8	2	New York
" 8	Schoon	Geneva	112	J. Arnoux	4	2	New Orleans
" 9	Brig	Leonidas	247	J. Turner	8	2	Providence
" 10	Schoon	Wm. Archer	127	J Wolston	6		Matamas
" 12	Brig	Audabon	129	J. B. McConnell	6	2	New Orleans
"	Schoon	Mt. Washington	69	W. H. Shaw	4	2	Tobasco
" 13	"	Hamick	59	A. Moore	5	1	New Orleans
" 14	Ship	Norma	292	D B Barton	12	2	New York
" 16	Brig	Lancet	150	J. Bruse	6	3	Charleston
"	"	Sar[h] Ann Alley	157	W Bowden	7	1	Boston
"	"	Pensacola	232	W Kilgore	6	3	Portland
" 17	Schoon	Wm. Francis	60	B. Shaw	4	2	Mobile
" 19	"	Barton	90	J. McIntyre	5	1	Bristol (RI)
"	Brig	Wm. Chamberlain	206	B. Chase	6	1	Boston
" 23	"	Agnes	206	E. Gooding	9		Ditto
" 26	"	Splendid	222	J. Varney	8	1	Bangor
"	Schoon	Hann[h] Porter	91	J. Nicholson	7		Philadelphia
"	Brig	Good Hope	105	J. N. Farnell	5	2	New Orleans
" 27	"	Dan[l] Webster	125	J Adams	5	2	Charleston
"	"	Samuel	106	J. B. Telford	6		Portland
" 28	"	Union	239	H. Crosby	9	4	Baltimore
"	Bark	Rapid	189	H. L. Ward	9	3	New York
Sept 2	Schoon	Octavia	97	H. A Hickling	1	4	Coast Africa
"	"	Henry Clay	89	J. Patterson	5	2	New Orleans
" 3	Brig	Jn[o] C Calhoun	117	H. Butler	5	2	Charleston
"	Schoon	Union	13	L Distaine	4		Key West
	33		4612		200	58	

Consulatu

Where belonging	Ports touched at	Cargo inward	Value of inward	Am of car landed
New Orleans		Flour, lard, pork & cotton		
Ditto		Do " " "		
Philadelphia		Assorted.		
Charleston		Rice		
Baltimore		Ballast		
New Orleans		Lumber.		
Portland		Ballast		
New York		Assorted.		
New Orleans		Lard.		
Providence (R.I.)		Hhts, hoops &c		
Bath		Ballast.		
New Orleans		Lard.		
New Port		Logwood.		
New Orleans		Ballast		
New York		Assorted		
Charleston		Rice		
Boston		Lumber, fish &c		
Portland		Lumber.		
New Orleans		Ditto		
Bristol		Onions, potatoes &c		
Boston		Assorted		
Portland		Ice.		
Pelston		Lumber		
Philadelphia		Assorted		
New Orleans		Lard &c		
Charleston		Rice		
Portland		Lumber.		
New York		Ballast		
Ditto		Assorted		
New Orleans	X	Ballast		
Ditto		Beef & pork		
Charleston		Rice		
Key West		Ballast		

...turn – continued

Cargo outward	Value of outward	Crew out: Americans	Crew out: Foreigners	Date of departure	
Sugar, coffee, cegars		7		August	28th
Ditto fruit & do		6	4	"	13
Ditto do & do		6	3	"	17
Ditto do & do		6	2	"	12
Fruit		4	2	"	22
Sugar do & fruit		5	2	October	5
Molasses		5	2	August	10
Sugar, cegars &c		8	2	"	17
Coffee, cegars & fruit		4	2	"	17
Molasses		8	2	September	26
Ditto		6		August	20
Wine, oil &c &c		6	2	"	31
Ballast		4	2	September	23
Ditto		5	1	August	20
Sugar, cegars & fruit		12	2	September	12
Ditto do & do		6	3	August	24
Molasses		7	1	"	30
Ditto		6	3	"	30
Sold				October	21
Sugar		5	1	August	30
Molasses		6	1	September	5
Ditto		9		"	17
Ditto		8	1	"	24
Assorted		7		August	31
Sugar, coffee & fruit		5	2	September	20
Ditto do & do		5	2	"	4
Molasses		6		"	20
Sold				"	
Sugar, coffee & fruit		9	3	"	24
Tobacco	X	7	2	December	9th
Sugar, coffee & fruit		5	2	September	25
Molasses		5	2	"	16
Ballast		4		"	3
		192	51		

Consular Return - continued

General remarks -
New Orleans
Ditto
Philadelphia
Charleston
New Orleans
Ditto
Portland
New York
New Orleans
Providence
Boston
Vera Cruz
Key West
New Orleans
New York
Charleston
Boston
Portland
Gold
Boston
Ditto
Portland
Boston
Texas
New Orleans
Charleston
Portland
Gold
New York
Gold coast (Africa) (Nathaniel Hoyt Master
New Orleans
Charleston
Key West

X 3.

Consular Return - continued

Date of Arrival	Class	Name	Burthen	Master	Crew out Amer icans	Crew out Foreigners	Where from
April 4	Schoon	Goat Jacket	84	J. P. LeBrou	5	3	Belize
" 7	"	Light	58	J. E. Wales	2	3	S. Thomas
"	"	Rattler	133	M. D. Kelly	6	1	Charleston
" 9	"	Creole	98	L. Cormier	5	2	New Orleans
"	Brig	Howell	109	J. De Forest	7		Charleston
"	Ship	Robin Hood	395	J. Proctor	9	5	Liverpool
" 10	Brig	Orb	249	W. P. Unnkwater	8		Portland
" 11	Schoon	Nymph	127	W. Wallace	4	3	Baltimore
" 13	Brig	Kanhawa	174	C. Welsh	8		New Orleans
" "	Schoon	Hound X	159	W. F. Williams	5	2	Baltimore X
"	"	Col. De Dussy	89	W. Rogers	6		New Orleans
"	Brig	Elen Davidson	198	J. Mattison	10		Montevideo
"	Ship	Hellespont	249	H. H. Ellis	8	4	New York
" 17	Schoon	Geneva	113	J. Arnoux	5	2	New Orleans
" 18	Bark	Saganone	285	L. Moore jun	9	3	Montevideo
" "	Brig	Motto	147	J. Deering	6	1	Portland
" 19	Ship	Michigan	441	G. T. Sturgis	10	5	Liverpool
" "	Brig	Paul & B. Blunt	121	J. Pederson	7		New York
" "	"	Cynosure	231	J. Simpson	7	2	Boston
" 20	"	M. Lellan	264	N. Larrabee	7	2	Bath
" "	"	Chili	111	J. Bonney	8		Charleston
"	Schoon	Mary Elina	110	J. A. Higgins	6	1	Norfolk
" 21	Brig	Coral	127	N. Farnsworth	6	1	New Orleans
"	Bark	Wm. Francis	226	P. Flowery	8	4	New York
"	Schoon	Hero	126	P. Sabate	6	2	New Orleans
"	Ship	India	184	J. West	10		New York
" 23	Brig	Barfine	147	P. Carpenter	7		Providence
" "	Bark	Lloyd	233	D. Mountford	9		Curacoa
"	Brig	Poland	149	H. P. Gardner	5	2	New Port
" 24	"	El Caballero	164	J. Duckehart	8	2	Nassau
" 26	"	Gen. Brooks	117	W. Summers	5	2	Salem
" 30	Bark	Una	285	J. Ladieu	11	1	New York
" 14	Schoon	Capt. Campbell	55	L. Russel	3	2	New Orleans
	33		5748		226	55	

Consular

Where belonging	Ports touched at	Cargo inward	Value of inward	American landed
Ballitimore		Hides, indigo &		
Ditto		Ballast		
Boston		Rice		
New Orleans		Assorted.		
Charleston		Rice.		
Boston		Assorted		
Portland		Lumber.		
Baltimore		Land		
New Orleans		Ditto		
Baltimore	X	Ballast.	X	
Tampabay		Flour		
Ballimore		Jerked beef.		
New York		Assorted		
New Orleans		Cotton		
New York		Jerked beef		
Portland		Lumber		
Ditto		Assorted		
New York		Ditto		
Boston		Ditto		
Ditto		Lumber		
Charleston		Rice		
Norfolk		Assorted		
New Orleans		Land &c.		
New York		Assorted		
New Orleans		Flour &c.		
New York		Merchandize		
Providence		Potatoes onions &		
Portland		Salt		
New Port		Potatoes onions &c.		
Ballimore		Cheese Land &c		
Salem		Fish &c		
New York		Assorted		
Ballimore		Flour &		

Earlieturn – continued. –

Cargo outward	Value of outward	Crew out Americans	Crew out Foreigners	Date of departure	
Assorted		3	3	September	21st
Sugar &c		3	2	"	21st
Molasses		6	1	October	28.
Sugar, coffee & fruit		5	2	September	28
Sugar		7		"	18
Ballast		9	5	October	5
Molasses		8		September	28
Assorted		3	4	October	12
Ballast		8		"	22
Assorted	X	4	3	September	21
Sugar &c		6		October	15
Sugar, cegars & fruit		8	4	October	5th
Fruit		5	2	September	28
Molasses		6	1	October	9
Ballast		10	5	November	14
Sugar, cegars & fruit		7		October	1
Molasses		7	2	"	11
Ditto		7	2	"	7
Sugar &c		8		"	11
Assorted		6	1	September	20
Ballast		6	1	October	5
Sugar &c		8	4	"	21
Tobacco cegars & fruit		6	2	"	5
Logwood &c		11		November	4
Molasses		7		October	12
Ditto		9		November	6
Ditto		5	2	October	5
Sugar		8	2	"	9
Molasses		5	2	"	11
Sugar fruit & cegars		11	1	"	26
Tobacco &c		3	3	September	24
		205	56		

Consular Return - continued.

General remarks.
Belize
Baltimore
Boston
New Orleans
Matamras
Portland
Gallinas / Africa /
New York, Via Gibara
Coast of Africa
New Orleans
New York
New Orleans
Portland
New Orleans
New York
Boston
Ditto
Charleston
Galveston
Sisal
New York
New Orleans
New York
Providence
Boston
Savannah
Baltimore
Salem
New York
Africa.

Consular Return - continued

Date of Arrival	Class	Name	Burthen	Master	Crew in: Americans	Crew in: Foreigners	Where From
31	Brig	Plant	208	N Hoyt	8	2	Montevideo
" "	"	Blucher	210	I. Tillon	6	3	Baltimore
3	"	Perseverance	176	I Burnham	9		New Orleans
4	Ship	Huron	515	G. C Boardman	5	12	Liverpool
	Schoon	Water Witch	120	J. B. Dupiere	5	2	New Orleans
"	Brig	Catherine	122	W Thomas	7		Portland
5	"	Cariboo	157	J. Whitten	8		New Orleans
	Schoon	Gen' Warren	128	G. M.c Call	7	1	Philadelphia
7	"	Annawon	123	J. Atkins	5	1	Halifax
		Laura	99	J. Taylor	5	2	Tobasco
	Ship	St Thomas	228	W. Adams	9	4	New York
	Schoon	W Lenthum	74	W Crothers	5		Baltimore
8	"	Eagle	80	W Wyllie	4	1	New Port
	Brig	Dan Webster	125	J. Adams	4	3	Charleston
10	"	Juniper	197	W Eldred	8	1	Boston
	"	Garafilia	196	W C. Clark	3	7	Guayaquil
11	"	Caroline	208	J. Edmonds	6	2	Portland
	Schoon	Fruiterer	129	W. G. Rowe	5	2	New York
8	Brig	Echo	135	W. Messer	6	1	New Port
12	"	Thoosa	111	M. Power	6	1	Marblehead
"	Ship	Franklin	395	E. Farwell	9	4	Tampa
18	Schoon	Cassius	99	P. Preastly	6		Salem
"	Brig	Ceylon	142	J. C. Trott	6	1	Bath
	"	Escalus	195	J. Taylor	7	2	New Orleans
"	"	Lincoln	190	B F Smith	8	1	Bath
19	Schoon	H. Clay	89	J Peterson	5	2	New Orleans
	"	Asp	140	W Knight	6	4	Baltimore
21	Brig	Ceres	176	E. Scudder	7	2	St Johns (NB)
22	Sloop	Science	70	J. O. Lee	6		Savannah
24	Brig	Jn.o C. Calhoun	117	W. Butler	7		Charleston
"	Schoon	Com Warrington	148	J. Beard	6	1	Savannah
25	Brig	Oriental	195	W Hatch	6	5	Bahia
	"	Elizabeth	152	J. J Remington	9		Philadelphia
			5449		199	67	

Consular

Where belonging	Ports touched at	Cargo inward	Value of inward	Am'can landed
New Orleans		Jerked beef		
Baltimore		Flour		
Ditto		Do & Lard		
Portsmouth		Assorted		
New Orleans		Cotton		
Portland		Lumber &c		
New Orleans		Flour, Lard &c		
Philadelphia		Assorted		
Provincetown		Fish.		
Baltimore		Logwood		
New York		Assorted		
Baltimore		Provision.		
New Port		Potatoes onions &c		
Charleston		Rice		
Boston		Fish, candles &c		
Baltimore		Cocoa		
Portland		Lumber		
New York		Potatoes &c.		
New Port		Ditto &c		
Marblehead		Fish		
New York		Ballast		
Gloucester		Rice		
Bath		Lumber &c		
Duxbury		Flour Lard		
Baltimore		Lumber		
New Orleans		Flour Lard		
Baltimore		Rice &c		
Boston		Fish		
Savannah		Rice		
Charleston		Ditto		
Baltimore		Ditto		
New Orleans		Ballast		
Philadelphia		Assorted.		

...turn – continued

Cargo outward	Value of outward	Crew out Americans	Crew out Foreign	Date of departure
Sold				November 4
Molassis		9		October 24
Ballast		11	6	November 19
Sugar, coffee & fruit		5	2	October 16
Molasses		7		" 25
Flour		8		" 18
Cigars, & fruit		7	1	" 19
Sugar, coffee & fruit		5	1	" 27
Ballast		5	2	" 20
Sold				November
Ditto				
Molasses		4	1	October 19
Ballast		4	3	" 30
Molasses		8	1	" 26
Cocoa.		3	1	" 12
Molasses		6	2	November 19
Fruit		5	2	October 19
Sugar. coffee & fruit		6	1	" 17
D° d° & d°		6	1	December 12
Sugar		8	5	" 12
Cegars & fruit		6		November 13
& Ballast		6	1	October 30
Fruit		7	2	November 5
Molasses		8	1	" 16
Sugar, cegars & fruit		5	2	October 30
& Rice tobacco &c		7	3	November 16
Sugar. cegars & fruit		7	2	" 13
Molasses		6		October 26
Ditto		7		November 3
Sugar. cegars & fruit		7	1	" 23
Ballast		6	5	October 25
Sugar, cegars & fruit		9		November 7
		188	52	

Consular Return continued

General remarks.
Sold
Wilmington
New Orleans, William Paine Master
Ditto
Boston
Nassau (NP)
Philadelphia
New Orleans
Matamras
Sold
Ditto
Providences (RI)
Charleston
Boston
Baltimore
Boston
New York
Wilmington
New Orleans
Cowes
New Orleans
Wilmington
New Orleans
Boston
New Orleans
Rio Brass (Africa) Wilson L Weems Master
New Orleans
Savannah
Charleston
New York
New Orleans
Philadelphia

Consular Return. continued

Date of Arrival	Class	Name	Burthen	Master	Crew out Americans	Crew out Foreign	Where From
Oct. 25	Ship	Bris. Colon	341	B. Smith	15	2	New York
" 26	Schoon	Hope	80	I. Haley	5	1	Key West
" "	"	Alert	91	W. S. Kennedy	5	1	Laguna
" 28	"	Richmond	100	I. R. Benjamin	6		Jamaica
" "	"	Virginia	57	E. Hooper	2	3	Baltimore
" "	Brig	Rouse	212	S. H. Cudy	7	2	Providence
" "	Schoon	Coequab	72	T. T. Wingate	5		Baltimore
" 29	Brig	Exchange	211	I. Leavitt	8		Mantanzas
" "	"	Hogan	254	G. L. Stanwood	6	3	Portland
" "	"	Tecumseth	190	I. Pendleton	8	1	Boston
" "	Steamer	New York	368	Wright	15	3	New York
" 30	Ship	Senator	496	I. Pike	4	13	Liverpool
" "	Schoon	Gual. Packet	83	I. Etchberger	5	3	Belize
" 31	Brig	Canabassett	231	H. Merrill	7	2	Matanzas
" "	Schoon	Hero	112	I. Sabate	6	2	New Orleans
Nov. 2	"	Han[a] Smith	99	D. Brown	5		New York
" "	Brig	Octavia	113	I. Mayberry	6	2	New Port
" 4	Schoon	Hornet	137	I. McIreland	4	5	Baltimore
" 5	"	Kascuisco	123	C. I. Duell	7		Galveston
" 7	Brig	Audabon	129	I. M Cornell	6	2	New Orleans
" "	Schoon	Seminole	97	I. C. Thompson	5	3	Ditto
"	"	Jas[s] Brown	90	I. M. Read	6		Mobile
"	Brig	Ellsworth	247	I. B. Homer	6	3	Boston
" 11	"	Independence	150	E. Evans	8		Ditto
" 12	Schoon	Grecian	98	A B. Culver	6		Franklin (La)
" "	Brig	Mary	130	I. Hutton	6	1	Gallinas
" "	Ship	Norma	292	D B. Barton	12	2	New York
" "	"	Canton	299	I. Olis	7	3	Bath
" 13	Schoon	Centipede	99	R. C. Mallen	6	2	Baltimore
" "	"	Wasp	118	I. B. Comer	5	2	Ditto.
" 2[d]	"	Creole	98	I. Cormier	5	2	New Orleans
" 3[d]	Bark	Ellen	227	M I. Gordon	9	1	Matanzas
" 15	Schoon	M Gardner	128	M Galt	6	1	Baltimore
			5572		219	65	

Consular

Where belonging	Ports touched at	Cargo inward	Value of inward	Amt of duties landed
New York		Assorted.		
Key West		Ballast.		
Charleston		Logwood.		
New Haven		Ballast.		
Baltimore		Ditto.		
Providence		Potatoes &c.		
Baltimore		Flour, pork &c.		
Portland		Lumber.		
Ditto		Do & Spars.		
Boston		Lumber.		
New York		Ballast.		
Boston		Assorted		
Baltimore		Hides, indigo &c.		
Portland		Ballast		
New Orleans		Lard		
Sag Harbor		Beef, oil &c		
New Port		Hoops, potatoes &		
Baltimore		Rice, beef &c		
Pittston		Ballast		
New Orleans		Logwood		
Vienna		Flour & cotton		
Fall river		Potatoes &c		
Boston		Rice fish &c		
Marblehead		Assorted		
New Haven		Molasses		
Philadelphia		Ballast		
New York		Assorted		
Bath		Lumber		
Baltimore		Flour &c		
Ditto		Do & Lard		
New Orleans		Lard.		
New York		Lumber		
Baltimore		Flour		

...turn - continued

Cargo outward	Value of outward	Crew out: Americans	Crew out: Foreigners	Date of departure	
Sugar, cegars & fruit		15	2	November	15th
Ballast & do		5	1	October	31st
Sold.				November	14th
Fruit.		6		"	2d
Ditto		3	2	"	7th
Sugar, coffee cegars		7	2	"	23d
Sold.				"	20
Molasses		8		"	25
Ditto		6	3		26
Ditto		8	1		28
Ballast		15	3	October	29
Coffee		12	5	November	26
Assorted		5	3	"	15
Molasses		7	2	"	13
Coffee, cegars & fruit		6	2	"	15
Fruit		5		"	9
Fish &c		6	2	"	11
Tobacco, rice &c		6	3	December	4th
Ballast		7		November	5
Coffee, cegars & fruit		5	3	December	21st
Sugar. do do & do		5	3	November	23
Coffee		6		"	23
Molasses		6	3	"	3
Sugar, coffee & molasses		8		"	23
Molasses		7	1	December	8
Sugar. cegars, specie & fruit.		13	2	December	11
Ballast		7	3	"	9
Assorted		6	3	"	14
Ditto		5	2	"	25
Sugar, cegars & fruit		5	2	November	17
Coffee fruit & ballast		9	1	"	30th
		209	54		

Consular Return - continued

General remarks		
New York		
New Orleans		
Sold		
New York		
New Orleans		
Ditto		
Sold		
Boston		
Ditto		
Ditto		
New Orleans		
Mobile		
Honduras		
Boston		
New Orleans		
New York		
New Orleans		
Rio Brass (Africa)	Dan'l Barry Master	
Bath		
Savannah		
New Orleans		
Mobile		
Boston		
Savannah		
New York		
New York		
New Orleans		
Gallinas (Africa)		
Cape Messurado (Africa)		
New Orleans		
Darien		

Consular Return - continued -

Date of Arrival	Class	Name	Burthen	Master	Crew in American	Crew in Foreign	Where from
Nov 15	Schoon	Mary	153	J. L White	5	2	Baltimore
" "	"	Frank Green	115	W. Smith	6	1	New Port
" 16	Brig	Char Thomas	133	C Thomas	7	3	Bath
" 17	Ship	Hermitage	347	N Y. French	5	7	Liverpool
" 18	Steamer	Natchez	193	J. Shriver	25	6	New Orleans
" "	Brig	Delta	225	J. W Francis	1	9	Laguinas
" 19	Schoon	Water Witch	121	J B. Dupiere	6	1	New Orleans
" "	"	Caroline	95	F. Baxter	5		Boston
" "	"	Concord	144	G W. Carr	6	1	New Port
" 20	"	Fruiterer	129	W S. Howe	5	2	Charleston
" "	"	Matilda	99	T. Lord	5	1	Tampico
" "	"	Delaware	131	J. J. Brookfield	4	2	Mobile
" 21	"	Hope & Susan	74	C. M Folger	4	1	New Orleans
" 22	"	Virg Antoinett	59	H. Place	4	1	Charleston
" 23	Brig	Aryali	155	E. D. Choate	6	1	Boston
" "	Schoon	Elizabeth	97	T. H. Bell	5	1	St Mary's (Md);
" "	"	Antarctic	129	R. Tuttle	6	1	Pensacola
" 24	Brig	James	243	S. Brewer	10	2	Boston
" "	"	Sally B. Blount	121	J. Pederson	6	1	New York
" "	"	Elba	186	R. Purkis	7	2	Providence
" "	"	Lima	261	N Nason	9	1	Kennebunk
" "	Bark	Clarion	226	J. H. Young	10	2	Philadelphia
" "	"	Rapid	189	R. L Ward	12	1	New York
" "	Schoon	G. Washington	74	M J Coker	6		Norfolk ✓
" 25	Brig	Enterprise	166	J. P. Clifford	7	1	Providence
" "	"	Sar Ann Alley	156	W Bowden	7	1	Boston
" "	"	Merida	188	J. T. Safford	7	1	Portland
" "	"	Echo	135	W Messer	6	1	Wilmington
" 26	"	Boy	139	C. S. William	5	1	New Orleans
" "	"	William	166	R. Leavett	5	2	Hambden
" "	Schoon	Bal Packet	147	A B. Hanna	8	1	Baltimore
" 27	Brig	Only Son	147	A Blanchard	6	1	Norfolk
" "	"	Vermont	152	J. Martin	5	2	Warren
			5595		221	60	

Consular

Where belonging	Ports touched at	Cargo inward	Value of inward	Am't of ... landed
Baltimore		Ballast.		
New Port		Hoops, potatoes, onions &c		
Brunswick		Lumber.		
Portland		Assorted		
New York		Ballast.		
Boston		Logwood.		
New Orleans		Flour.		
Providence		Fish, potatoes &c		
New Port		Hhds. hoops & frames		
New York		Ballast		
Ditto		Tustic, hides & Specie		
Ditto		Lumber		
Nantucket		Flour		
Charleston		Rice		
Boston		Assorted		
Kennebunk		Lumber.		
New Haven		Ditto		
Boston		Assorted		
New York		Ditto		
Providence		Hoops, onions & potatoes		
Kennebunk		Lumber.		
Philadelphia		Assorted		
New York		Ditto		
Baltimore		Tobacco		
Providence		Hhds, hoops, oil &c		
Boston		Fish, lumber &c		
Portland		Lumber		
New Port		Ditto		
Ditto		Flour &c		
Boston		Lumber.		
Baltimore		Flour & cocoa		
Boston		Lumber		
Warren		Hhds, hoops, potatoes &c		

turn - continued.

Cargo outward	Value of outward	Crew out: Americans	Crew out: Foreigners	Date of departure	
Ballast.		5	2	November	23
Ditto & fruit.		6	1	"	23
Ditto & coffee.		7	3	December	11
Ballast.		9	4	"	22
Coffee. fruit &c.		26	5	November	26
Logwood.		3	6	"	21
Coffee, cegars &c		6	1	December	7
Fruit		5		November	26
Fruit		5	2	November	25
Fustic. hides & specie.		6	1	"	23
Coffee, cegars & fruit.		4	1	December	8
Cegars & d°.		4	1	November	27
Ballast.		6	1	December	7
Coffee & fruit.		5	1	"	12
Fruit.		6	1	"	4
Molasses.		10	2	"	10
Assorted		6	1	November	26
Molasses & sugar		7	2	December	4
Sugar, coffee, cegars,		12	1		25
Fruit.		6		"	2
		5			
Molasses		7	1		26
Coffee d° & fruit		6	1		12
Ballast & d°		5	1		21
Ballast		5	2		4
Sold					
Ballast		6	1		18
Molasses		5	2		31
		179	44		

Consular Return – continued

General remarks
Baltimore
Savannah
Wilmington
New Orleans
Ditto
Marseilles
New Orleans
New York
New York
Ditto
New Orleans
New Orleans
Charleston
Wilmington
Mobile
New York
Boston.
Honduras
Wilmington
New York
Norfolk
Boston
Wilmington
New Orleans
Tobacco
Sold

Consular Return continued.

Date of Arrival	Class	Name	Burthen	Master	Crew in		Where from
					American	Foreign	
Nov 28	Brig	Baltimore	169	L. Davis	8	1	Boston
" 30	Schoon	Elizabeth	99	D. Thain	5	1	Charleston
" "	Bark	Rothschild	261	Z. Lawry	7	2	Bangor
" "	Schoon.	Gill Hatfield	186	F Smith	7		Wilmington
Decem 1	"	Financier	63	E. Butler	5		Charleston
"	"	Herald	87	I. Russell	6	1	Boston
"	Brig	Geo. Turner	217	W. Hunt	6	2	Portland
"	"	Freighter	214	E. Gooding	7	1	Ditto
" 2	"	El Caballero	164	W. W Kerfingto	7	3	Nassau (NP)
" "	"	Lancet	150	W. P. Bangs	8	1	Charleston
" "	Schoon	Virginia	57	T. B. Judson	3	2	Mobile
" 3	"	Cora	87	G. Schneider	7	3	New Orleans
" "	Sloop	Lark	42	A. Draper	4		New Port
" "	Schoon	W E. Jester	113	S. Whitmore	5	1	Mobile
" "	"	Ceres	130	W Decker	7		Bath
" 9	"	Hero	126	P. Sabate	6	2	New Orleans
" 11	Steam	Natchez	793	J. Sevier	25	5	Ditto
" 12	Brig	Rud Groning	190	D. Landon	8	1	Ditto
" 13	Schoon	Creole	98	L. Cormier	5	2	Ditto
" "	Brig	Jn C. Calhoun	117	C. Bullen	6	1	Charleston
" 14	Ship	Braide	411	M Symons	14	11	Liverpool
" 15	Bark	Wm H Francis	226	P. Flowry	9	3	New York
" "	Brig	Annawon	138	J. C. Sandford	5	2	Wilmington
" "	"	Oglethorp	132	J. B. Sanner	7	2	Savannah
" 16	"	Tantivy	140	J. H. Toone	6	2	New York
" "	Schoon	Avid	82	C. Constant	4		Key West
"	"	Gual Packet	84	J. Etchberger	3	5	Belize
"	"	Orbit	112	J. P. Brown	5	1	Georgetown (SC)
"	Brig	Pastora	175	W. L. Parker	9	2	New York
"	Ship	Hellespont	249	W. W. Ellis	10	3	Ditto
" 17	Brig	Freeman	141	F. G. Sparks	6	1	Savannah
" "	"	Attention	109	W. N. Plummer	5	1	St Johns (NB)
" "	Schoon	Wm Spofford	100	D. P. Spofford	5		Georgetown (SC)
			5462		220	62	

Where belonging	Ports touched at	Cargo inward	Value of inward	Amt of duties landed
Boston		Lumber & candles.		
Nantucket		Rice.		
Bangor	Matanzas	Lumber.		
Gr Egg Harbor		Ditto.		
Charleston		Rice.		
Boston		Provis.s & lumber.		
Portland		Lumber.		
Ditto		Ditto.		
Baltimore		Oil, lard &c.		
Charleston		Rice.		
Baltimore		Ballast.		
New Orleans		Flour & cotton.		
New Port		Potatoes, onions &c.		
New York		Lumber.		
Bath		Ditto		
New Orleans		Flour & cotton		
New York		Do. lard &c		
Ditto		Cotton.		
New Orleans		Ditto		
Charleston		Rice		
Newbury Port		Assorted		
New York		Ditto		
" Fallriver (Mr)		Lumber		
Savannah		Rice		
New York		Assorted		
Boston		Oil, candles &c		
Baltimore		Hides Sana & Specie		
Richmond (Va)		Lumber		
Boston		Assorted		
New York		Ditto.		
Buckisport		Lumber		
Boston		Fish		
Thomaston		Lumber.		

...eturn continued.

Cargo outward	Value of outward	Crew out		Date of departure
Coffee, cegars & fruit		8	1	December 18
Sugar, coffee & do.		5	1	" 7
Ballast.		7		December 18
Coffee, fruit & c.		5		" 7
Ballast.		6	1	" 18
Ditto.		6	2	" 16
Molasses.		7	1	" 26
Coffee sugar & fruit.		7	3	" 25
Ditto do & do.		8	1	" 12
Fruit.		3	2	" 3
Fruit.		4		December 12
Coffee		7		December 25
Coffee, cegars & fruit		26	5	December 18
Molasses, coffee, & fruit		6	1	December 21
Coffee cegars & fruit		7	2	December 24
Ballast		6	2	" 31
Coffee do		4		" 25
			10	
		129	22	

Consular Return - continued.

General remarks.
New Orleans
Ditto
[illegible]
Attackapas
Charleston
Matamoras
Curacoa
Boston
New Orleans
Charleston
Mobile
Savannah
Mobile
New Orleans
Charleston
Savannah
Matamoras
Key West

Consular Return - continued.

Date of Arrival	Class	Name	Burthen	Master	Crew in		Where from
					Americans	Foreigners	
Dec. 17	Brig	Rochambeau	163	W. McSilvery	6		Georgetown (S.C.)
"	"	Escalus	195	S. Taylor	8	2	New Orleans
"	Ship	Orbit	283	E. Latham	3	7	New York
" 18	Brig	Caledonia	299	E.D. Manson	9	3	Bath
" "	Schoon	Virg[a] Antoinett	59	H. Sluce	6	1	Charleston
" 19	"	Shakespeare	124	C. Foxwell	5	1	New Orleans
" "	"	Rocket	140	T. Tilden	6		Belfast
" 20	Brig	Perseverance	176	J Burnham	6	3	Wilmington
" 21	Schoon	John	100	P Bridges	5		New York
"	"	Victory	65	J Arguith	2	1	Key West
"	Brig	Caspian	99	A.G. Swezey	5	2	Pensacola
" 22	Ship	Rosanna	284	G Chason	10	3	New York
"	Schoon	Jas[s] Brown	90	J.W. Read	7		Mobile
"	"	Wm Allen	100	D. Cook	5		Provincetown
"	"	Elvira Meserole	173	I. Corson	5	1	Pensacola
"	Brig	Montgomery	142	F.G. Monroe	3	5	Montevideo
" 24	Schoon	Convoy	100	E. Johnson	2	1	St Jago (Cuba)
" 26	Brig	Elizabeth	152	J.S. Remington	6	2	Philadelphia
" "	Schoon.	Sabina	98	E. Young	5	1	Kingston (Jam[a])
" "	Brig	Alexander	198	W.T. Hill	3	12	Princes Island
"	Bark	Suffolk	267	J. Parsons	8	3	Sydney
" 27	Schoon	Francis	71	G. Sears	4	1	Savannah
" "	"	Lone	76	J. Curry	3	1	New Orleans
" 28	"	Oriana	140	A.J. Harding	6		Ditto
" 29	"	Virginia	57	J.B. Judson	3	2	Mobile
" 30	Ship	Crawford	290	J.B. Brown	9	3	New York
" "	Brig	William	198	B. McNear	6	2	Sydney
" "	Schoon	Merchant	99	N. Padovani	5	2	New Orleans
" "	"	Potomac	128	H. Terry	5	1	Mobile
" 31	"	Franc[s] Amy	98	H. Ashby	5	2	New York
	30		4464		162	62	
	49	Fishing Smacks	1634		239		

Consular

Where belonging	Ports touched at	Cargo inward	Value of inward	Am't of cargo landed
Bangor		Lumber.		
Duxbury		Cotton & Sand		
New York		Assorted		
Bath		Lumber		
Charleston		Rice		
Baltimore		Horses & mules		
Belfast		Lumber.		
Baltimore		Delta		
Marblehead		Apples & vegetables		
New Port		Lumber		
Providence		Hhds, hoops &c		
Tollniver Me		Lumber		
Baltimore		Ballast		
Boston		Fish		
New York		Lumber		
Philadelphia		Salted beef		
Saybrook		Ballast		
Philadelphia		Assorted		
New Orleans		Ballast		
Ditto		Ditto		
Boston		Coals		
Barnstable		Lumber &c		
New Orleans		Cotton & Sand		
Bangor		Flour & c		
Mobile		Lumber.		
New York		Assorted.		
Boston		Coals		
New Orleans		Flour. Sand & beef		
Thomaston		Lumber		
New York		Assorted		
		[illegible]		
		Live fish		

Return - continued.

Cargo outward	Value of outward	Crew out		Date of Departure
Coffee & fruit		6	1	December 23
Fruit		5		December 31
Ballast		5		December 31
Ballast		16 239	1	

Consular Return continued

General remarks.

Charleston

New York

New Orleans

Fishing

Consular Return - continued.

Date of arrival.	Class	Name.	Burthen	Master.	Crew in. Americans	Crew in. Foreign	Where from.
		Recapitulation of Tonnage &c.					
Sheet	No 1	32 Vessels	5750		202	68	
"	" 2	33 "	4612		202	58	
"	" 3	33 "	5748		226	55	
"	" 4	33 "	5449		199	67	
"	" 5	33 "	5572		229	65	
"	" 6	33 "	5598		221	60	
"	" 7	33 "	5462		220	62	
"	" 8	30 "	4462		162	62	
		260 Vessels	42655		1649	497	

Recapitulation and Notes.

	Vessels	Tonnage	Mariners (C) Americans	Foreigners
Total arrived (a)	309.	44289	1888.	497
Total departed (b)	247	33160	1542	345
Sold and flag changed	8	1271		
Remaining in Port	54	9858		

(a). Of these arrivals 49 were of fishing Smacks engaged in bringing live fish from the fishing grounds on the coast of Florida.

(b) Of these departures 49 were of fishing Smacks

(c) This distinction between American and Foreign mariners is known to every one to be purely nominal, and its sole effect consists in the commission of a few thousand perjuries every twelvemonth, and the damnable influences this must have upon the moral standard among those concerned.

The

The practical operation of the law, as is known to every Ship-owner, every Ship-master, every sailor, every shipping Notary, every boarding officer in the United States, and to thousands of others besides, is, to require that two thirds of the crew shall consist, not of American Citizens, or of individuals whom any one person in the wide world believes to possess that character, but of "protected men". Now, every collector in the United States is bound by law to manufacture, to order, as many Protections as may be called for by an equal number of Seamen "producing proof of citizenship according to law". The cost of production of these articles is limited by law to 25 cents a piece. Admitting, therefore, for a moment, that nothing in the same shape can be produced except by the one lawful process originating with a genuine American citizen, and that consequently their proper market price cannot be depressed by any "inferior imitation", the highest point which that price can, under ordinary circumstances, reach is still within the range of calculation. They constitute a commodity of which every provident Sailor-landlord may naturally be expected to be careful to keep a stock on hand; especially as, costing him often nothing but the trouble of picking up, and seldom more than a glass of grog, they are generally saleable at 50 cents, and will sometimes command a dollar or more, according to the urgency of the demand.

These are the magical leaves, upon whose efficacy to convert a Briton or a Norwegian or a Swede into an American citizen, the instant he gets one in his pocket (or merely says he has) to the Shipping notary, who, wary as he may be in other respects is as credulous as a very child upon this point,) our law exacts of our Ship-masters to pin their faith, and to swear by, under penalty of loss of employment, and starvation to themselves and their wives and Children; while our Ship-owners must connive at and uphold the practice, and pay the Shipping Notaries for their agency in it, under the penalty of seeing their Vessels rot at their moorings.

N. P. Willis.

Havana Dec. 31. 1839.

Rec'd with Mr Trist's No 130

Consulate at Havana.

Consul N. P. Trist.

Half year ending December 31st 1839.

Statement of Fees.

Sum total of Fees . . . $2882.6

Consular statement of Fees.

Received at Havana, by Nicholas P. Trist Consul from the first day of July to the thirty first day of Decemb 1839, inclusive.

Names of Vessels	Names of the parties for whom service is rend.	Certificates.		Oaths.		Noting protest.
		No	Amount	No	Amount	
Sarah Ann	Drake Brothers & Co		$		$	$
Jaspar	DeConinck & Spalding	1	1.6	1	2	
Marengo	Fco de Goyre & Co	1	1.6	1	2	1
Margaret	Hernandez & Co					
Virga Packet	Fco de Goyre & Co					
Intrepid	C. Tyng					
Poland	Geo. Knight & Co					
Bt Rapid	Drake Brothers & Co	20	29.6	27	6.6	3
Hogan	Geo. Knight & Co					
Sterling	"					
Forum	"					
Cynosure	"	3	5.2	3	6	
Bt Rapid	"					
Geneva	Master					1
Clarissa	"	1	1.6	1	2	
Abigail	"					1
Danl Webster	DeConinck & Spalding	5	8.6	5	1.2	2
Mara Theresa	Drake Brothers & Co					
Concord	Geo Knight & Co					
Sarah Ann	Drake Brothers & Co					
Audubon	Master	5	8.6	5	1.2	
Commerce	"					
Black Hawk	"	2	2.6	3	6	
Banner	Fco de Goyre & Co					
McLellan	Geo. Knight & Co					
Harvest	DeConinck & Spalding	1	1.6	1	2	
Franklin	Drake Brothers & Co	4	7-	4	1-	
R Linthicum	Ditto.					
John H. Stephens	Master.					
Trenton	Widow Scull	1	1.6	1	2	3
St Thomas	Master.	12	13.4	22	5.4	2
Diligence	Fco de Goyre & Co	1	1.6	1	2	
			$ 86.2		$ 18.6	$ 13

Consular s

Deposit of Ships papers	Surveys Register &c	Copy of Documents from Record	Extend^g Protest	Declaration		Powers of Att^y		C... ch...
$ 4				2	$5	1	8.4	
4								
4								
4				1	2			
4								
4								
8								
12								
8								
4								
4								
8				1	2.4			
4								
12				1	2			
4								
4								
12	$ 8.4			2	5			
4								
4								
4				1	2.4			
12				4	9			
4								
4								
4								
8								
4								
4				1	2.4			
8				4	9			
4								
16								
8				2	5			
4								
$ 196	$ 8.4				44.4		$ 8.4	

...tement of Fees – continued.

...acts & ...parties	Passports		Registering documents not ordered from Consulate		Certificates of Citizenship		Burial		Sum total received on this vessel
									$ 17 4
									6
									7
									6
									4
									4
									8
									51 4
									8
									4
									4
									16 4
									4
									15
									6
									5
									37 4
									4
									4
									6 4
									31
									4
									7 4
									4
									8
									6
									14 4
									17
									4
									21
									34
									6
									$ 375.4

Consular statement of Fees continued.

General remarks on this vessel		
1 Invoice		
1 d:		
		2 Voyages
13 d°	7 Debenture	3 d:
		2 d:
3 d°		2 d:
		3 d:
1 d°		
4 d°		3 d:
5 d°		3 d°
1 d°	1 d:	
		2 d°
1 d:		
4 d°		
		2 d°
1 d		4 d°
2 d:	10 d°	2 d:
1 d:		
38	18	

Consular Statement of Fees — continued.

Names of Vessel	Names of Parties for whom service is rendered	Certificates		Oaths		Noting Protest
		No:	Amt	No:	Amt	
Clarion	Master	1	$ 1.6	1	2	$ 1
Isadore	Fr de Goyre & Co	1	1.6	1	2	
Constancia	DeCominck & Spalding					
Angelo	Master					
Token	Geo Knight & Co	1	1.6	1	2	
Elba	"	1	1.6	1	2	
Tecumseth	"	5	8.6	5	1.2	
Cornelia	Drake Broth & Co	3	3	6	1.4	
Tariff	Geo Knight & Co					
Thracian	C Tyng					1
Catherine	DeCominck & Spalding	2	3.4	2	4	1
Jn C. Calhoun	Drake Broth & Co	4	7	4	1 —	1
Caroline	Fr de Goyre & Co					
Cordova	Master					1
Susan	"	2	3.4	2	4	
Pulsr B. Blount	"	1	1.6	1	2	2
Byron	"					1
Rattler	Widow Scull	2	3.4	2	4	
Elizabeth	Geo Knight & Co					
Caledonia	"					
Hebron	"					
Wm & Francis	Master	10	14.2	15	3.6	2
Douglas	C. Tyng					1
Creole	Drake Broth & Co	4	7	4	1	1
El Caballero	"	10	15.2	13	3.2	1
Napoleon	DeCominck & Spalding	1	1.6	1	2	
Carabasett	Geo. Knight & Co	3	5.2	3	6	
Gust Packet	Master					1
Delta	"					1
Emeline	Geo. Knight & Co					
Geo Cabot	"					
Gondola	Master					
Gen Warren	"	8	14	8	2.1	
Magnolia						
			$ 95.4		$ 17.4	$ 15

Consulate Statement

Deposit of ships papers	Surveys Registry &c	Copy of Documt. from Record.	Cat'g. Protest.	Declarations		Powers of Atty.		Contr. Pa
				No.	Amt.	No.	Amt.	No.
4								
4								
4								
4								
4								
8								
8				2	$4.4			
4								
4								
4								
4								
16								
8								
4								
4								
12				1	2.4			
4								
8								
4								
4								
4								
8				1	2.4			
4				2	4.			
12				1	2.4			
12				1	2.4			
4								
8								
12								
8								
4								
4				1	2			
4				1	2			
8								
4								
212				$	22.4			

of Fees — Continued

Charter	Passports		Reg'd documents not ob- tained from Consulate		Certificate of Citizenship		Burial		Sum total rec'd on this vessel
Amt	No	Amt	No	Amt	No	Amt	No	Amt	
									$ 7
									6
									4
									4
									6
									10
									22 4
									8 4
									4
									5
									9
									25
									8
									5
									8
									8
									18 4
									5
									12
									4
									4
									4
									30 4
									9
									23 4
									34
									6
									14
									13
									9
									4
									6
									6
									24
									4
									$ 362 4

Consular Statement of Fees continued

General Remarks on this vessel.

1 Invoice			
1 do			
1 do			
1 do			
5 do			2 Voyages
			2 do
		3 Debentures	
2 do			
4 do			
			4 do
			2 do
2 do			
1 do		2 do	3 do
2 do			2 do
5 do		5 do	2 do
4 do			3 do
7 do		3 do	3 do
1 do			
3 do			2 do
			3 do
5 do			
48		11	

Consular Statement of Fees continued.

Names of Vessels	Names of Parties for whom service is rendered	Certificates No.	Certificates Amt	Oaths No.	Oaths Amt	Noting Protest
Hope & Susan	Drake Brothers & Co					$1
Geo. Turner	F. de Goyre & Co					
Empress	Master	2	$2	4	$1.	
Chile	Geo. Knight & Co	4	7	4	1	
Spy	"					
Ivanhoe	Master	2	3. 4	2	4	
Susan Jane	Geo Knight & Co					
Perseverance	"					
Elizabeth	Master	6	9-	8	2	2
Hero	Drake Brothers & Co	5	8. 6	5	1 2	1
Ellen	"	5	6. 4	8	2	
Constradt	DeConinck & Spalding					
Forest	Geo. Knight & Co					
Saladin	C. Tyng -					
Laura	"	3	5. 2	3	6	1
Wm. Archer	Geo Knight & Co	1	1. 6	1	2	
Lion	"	1	1. 6	1	2	
Harriet	Master					
Cath. Campbell	"					
Lancet	Geo Knight & Co.	3	5. 2	3	6	
Sch Franklin	DeConinck & Spalding	2	3. 4	2	4	
Dante	Geo Knight & Co.					
Water Witch	Master	9	15. 6	9	2. 2	2
Sarah Ann Ally	"	1	1. 6	1	2	1
Pensacola	Geo Knight & Co.					
Barton	DeConinck & Spalding					
Harriet Porter	Master					1
Union	Geo Knight & Co.					
Mary Washington	"					
Lima	"	3	5. 2	3	6	
Olive Chamberlain	F. de Goyre & Co.					
Casco	Geo Knight & Co.					
Lark	Master					
Agnes	"					
			$77		$13. 4	$ 9

Consular Statement

Deposit of Ships papers.	Surveys Registry &c	Copy of Documts. from Record	Extg. Protest	Declarations No.	Declarations Amt.	Powers of Attg. No.	Powers of Attg. Amt.	Contr. No.
$8								
8								
4								
8								
4								
4				1	$2.4			
4								
8								
8								
12								
8				1	2.4			
4				1	2.4			
4								
4				1	2			
8				1	2.4			
4								
8								
4								
8				3	6.-			
8								
4								
4								
12								
4								
4								
4								
4	$8.4	8.4	17	1	2.-			
4								
4								
4								
4								
4								
4				2	4.4	1	8.4	
4								
$192	$8.4	$8.4	$17		$24.4		$8.4	

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11

of Fees — continued.

& Charter ...	Passports		Regtg. Documts. not ordered from Consulate		Certificate of Citizenship		Burial.		Sum total recd. on this vessel.
Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	
									$9
									8
									7
									16
									4
									10.4
									4
									8
									21
									23
									19
									6 4
									4
									6
									17.4
									6.-
									10.-
									4.-
									14-
									14.-
									8
									4
									32.-
									7.
									4
									4
									41
									4
									4
									10
									4.
									4
									17-
									4
									$ 358.4

Consular Statement

Deposit of Ships papers.	Surveys Registry &c	Copy of Documts from Record	Extg. Protest	Declarations		Powers of Atty.		Contr[illegible]
				No.	Amt.	No.	Amt.	No.
$8								
8								
4								
8								
4								
4				1	$2.4			
4								
8								
8								
12								
8				1	2.4			
4				1	2.4			
4								
4				1	2			
8				1	2.4			
4								
8								
4								
8				3	6.-			
8								
4								
4								
12								
4								
4								
4								
4	$8.4	8.4	17	1	2.-			
4								
4								
4								
4								
4								
4				2	4.4	1	8.4	
4								
$192	$8.4	$8.4	$17		$24.4		$8.4	

of Fees ___ continued.

& Charter ies	Passports		Regtg. Documts. not ordered from Consulate		Certificate of Citizenship		Burial.		Sum total recd. on this vessel.
Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	
									$9
									8
									7
									16
									4
									10.4
									4
									8
									21
									23
									19
									6 4
									4
									6
									17.4
									6.-
									10.-
									4.-
									14-
									14.-
									8
									4
									32.-
									7
									4
									4
									41
									4
									4
									10
									4.
									4
									17-
									4
									$ 358.4

Consular Statement of Fees — continued.

General Remarks on this vessel.

2 Voyages
2 do.

2 Debentures

4 Invoices
2 do

2 do

2 do
4 do 2 do 2 do.
5 do 2 do.
2 do 3 do.
2 do

3 do 2 do.
1 do
1 do 2 do.

2 do.
3 do 2 do
2 do

9 do 3 do
1 do

3 do

40 7

Consular Statement of Fees continued

Names of Vessels	Names of parties for whom service is rendered.	Certificates		Oaths		Noting Protest
		No	Amt	No	Amt.	
Nimrod	DeCrinick & Spalding	20	$ 29.6	27	$ 6.6	$ 2
Howell	Ge. Knight & Co:	1	1.6	1	2	
Good Hope	"	2	3.4	2	4	
Samuel	"					
Mary & Eliza	"					
Light	Drake Broth & Co:	1	1.6	1	2	
Hector	Widow Scull	1	1.6	1	2	6
Splendid	Master	1	1.6	1	2	
Henry Clay	"	2	3.4	2	4	1
Leonidas	Ge. Knight & Co:	1	1.6	1	2	
Ork	"					
Isaac Ellis	Drake Broth & Co:					1
Junior	DeCrinick & Spalding	3	5.2	3	6	
Helen	Ge. Knight & Co:	1	1.6	1	2	
Coral	Chas. Syng					1
Robin Good	Master					1
Motto	Ge. Knight & Co:					
Gen. Brooks	DeCrinick & Spalding					
Barque	Drake Broth & Co:					
Sarafilia	Ge. Knight & Co:					
Nymph	Drake Broth & Co:					
Hound	Chas. Syng					1
Colonel Dudley	Master	2	3.4	2	4	
Echo	Ge. Knight & Co:					
Cambroc	Master					
Fruterer	"					
Eagle	Drake Broth & Co:	3	5.2	3	6	
Sch Wm. Francis	Chas. Syng					
Catherine	Ge. Knight & Co:	2	3.4	2	4	
Oriental	Master		1			1
Juniper	Ge. Knight & Co:					
John	Master					1
Science	Drake Broth & Co	1	1.6	1	2	
Una	"	8	10.2	13	3.2	
			$ 76.6		$ 15.2	$ 14

Consular Statemen

Deposit of Ships papers	Surveys Registry &c	Copy of Documts from Record	Extg Protest	Declarations No.	Declarations Amt.	Powers of Atty. No.	Powers of Atty. Amt.	Contracts & parties No.
$8								
4								
4								
4								
4								
4								
24	$8.4	8.4	$17	1	2			
4								
8								
4								
4								
4				2	$5			
4				1	2.4			
4								
4				1	2.4			
4	8.4	8.4	17	1	2.-			
4								
4								
4								
4				1	2.4			
4				3	8.-			
4				2	5.-			
4								
8								
4				1	2.4			
8								
4								
4				1	2.4			
4								
4								
4								
4				2	7.4	1	8.4	
4								
4								
$172	$17	$17	$34		$42		$8.4	

of Fees ___ Continued

...ter	Passports		Registering Documts not ordered from Consulate.		Certificate of Citizenship.		Burial		Sum total received on this vessel.
...t	No.	Amt	No.	Amt	No.	Amt	No.	Amt	
									$ 46.4
									6.-
									8.-
									4.-
									4.-
									6.-
									68.-
									6.-
									13.-
									6.-
									4.-
									10.-
									12.4
									6.-
									7.4
									41.-
									4.-
									4.-
									4.-
									6.4
									12.-
									10.-
									8.-
									8.-
									6.4
									8.-
									10.-
									6.4
									8.-
									4
									4.-
									21.-
									6.-
									17.4
									$ 396.4

Consular Statement of Fees — continued.

General Remarks on this vessel.

13	Invoices	7 Debentures	2 Voyages
1	do		
2	do		
1	do		
1	do		6 do
1	do		
2	do		
1	do		
			Solo
3	do		
1	do		
2	do		
			2 Voyages
			2 do
3	do		
			Solo
2	do		
1	do		
3	do	5 Debentures	
37		12	

Consular Statement of Fees — continued

Names of Vessels	Names of parties for whom service is rendered	Certificates		Oaths		Noting Protest.
		No.	Amt	No.	Amt	
Annawon	Drake Broth. & Co.					
Ceylon	Ge. Knight & Co.					
New York	"					
Hope	"					
Richmond	Master					
India	"	2	$3.4	2	.4	1
Blucher	Ge. Knight & Co.	2	5.4			
Escalus	Master	1	1.6	1	2	
Roscius & Co.	Ge. Knight & Co.					
Lloyd	Fco. de Goye & Co.	3	5.2	3	6	
Virginia	"					
Octavia	De Coninck & Spalding	1	1.6	1	2	
Harriet Smith	Master					1
Cassius	De Coninck & Spalding					1
Ceres	Ge. Knight & Co.					
Mechgan	De Coninck & Spalding					1
Cris. Colon	Drake Broth. & Co.	8	11.-	12	3.-	1
Alert	Master					1
Lincoln	Ge. Knight & Co.					
Asp	Master	1	1.4			
Huron	Puente Brothers					1
Cocqual	Master					
Seminole	"	2	3.4	2	4	
Sch Mary	"					
Ponce	Ge. Knight & Co.					
Frank Green	"					
Com Warrington	Drake Broth. & Co.	3	5.2	3	6	
Independence	Master	1	1.6	1	2	1
Matilda	Drake Broth. & Co.					1
M Gardner	"	2	5.-			
Jos Brown	"					
Exchange	Ge. Knight & Co.	2	3.4	2	4	
Natchez	"	1	1.6	1	2	
Sch Caroline	Master					
			$51.-		7	1.- 10

Consular Statement

Deposit of Ships papers	Surveys Registry &c	Copy of Documts. from record	Extg. Protest	Declarations No.	Declarations Amt.	Powers of Atty. No.	Powers of Atty. Amt.	Contr. chart No.
$ 4				1	$ 2.4			
4								
4								
4								
4								
4								
4								
4								
4								
4								
8								
4								
4								
4								
4								
4	$ 8.4	8.4	$ 17.-	1	2.-			
4								
4	8.4	8.4	17.-	2	5.-			
4								
4				2	6.2			
4				1	2.-			
4				2	5.-			
4								
4								
4								
4								
4								
4								
4		2.-						
4						2	$ 17.	
4								
4								
8								
4								
$ 144	$ 17.-	$ 19	$ 34		$ 22.6		17	

of Fees — Continued

Bond parties	Passports		Regt. Documts. not ordered from Consulate		Certificate of Citizenship		Burial		Sum total recd. on this vessel
Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	
									$6.4
									4.–
									4.–
									4.–
									4.–
									9.–
									9.4
									6.–
									4.–
									10.–
									8.–
									6.–
									5.–
									5.–
									4.–
									41.–
									19.–
									44.–
									4.–
									11.6
									7.–
									9.–
									8.–
									4.–
									4.–
									4.–
									10
									7.–
									7
									26.–
									4.–
									8.–
									10.–
									5.–
									$321..6

Consular Statement of Fees — continued.

General Remarks on this vessel.

2 Invoices

1 do — Sold

3 do

1 do — 2 Voyages

4 do — 4 Debentures — Sold

2 do — do

3 do

1 do

2 do

1 do — 2 Voyages

20 — 4

Consular Statement of Fees continued

Names of Vessels	Names of parties for whom service is rendered.	Certificates		Oaths		Noting Protest
		No	Amt	No	Amt	
Senator	Master					$ 1.-
Brig. Antoinett	"					
Ge. Washington	Ge. Knight & Co.					1.-
Ellsworth	"	3	$ 5.2	3	6	
William	"					
Antarctic	"					
Hornett		1	4.2			
Grecian						1.-
Sch. Elizabeth	Drake Broth. & Co.					
Financier	R. Morrison & Co.					
Agali	Ge. Knight & Co.					
Octavia	Master	1	4.2			
Canton	Ge. Knight & Co.					
Samos	"	1	1.6	1	2	1
Chas. Thomas	Drake Broth. & Co.					
Thoosa	Master					1
Sloop Lark	Ge. Knight & Co.					
Sch. Elizabeth	Master					
Bahia Packet	"	2	5.-			1
Centipede	"	2	3.-			
Herald	De Coninck Spalding	1	1	2	4	
Gilbert Hatfield	Master					
Only Son	Ge. Knight & Co.					
Baltimore	"	1	1.6	1	2	1
Boy	Master					1
Hermitage	"					1
Oglethorpe	Drake Broth. & Co.					
Wasp	"					
Merida	Ge. Knight & Co.					
Freighter	F. de Goyre					
Aid	De Coninck Spalding	2	2.-	4	1.-	
Conway	Master					1
John	"					
Franklin	Hernandez & Co.					1
			$ 28.2		$ 2.6	$ 11

Consular Statement

Deposit of Ship papers	Surveys Regis-try &c	Copy of Documts from record.	Oath Protest.	Declarations		Powers of Atty		[illegible]
				No.	Amt.	No.	Amt.	No.
$ 4								
8								
4								
4								
4								
4								
4				2	$4. 4	1	$8. 4	
4	$ 8. 4	$8. 4	$ 17.	1	2. –			
4								
4								
4								
4				1.	2. –			
4								
4								
4								
4								
4								
4								
4								
4				1	2			
4								
4								
4								
4								
4								
4								
4								
4								
4								
4								
4								
4		$ 2		1	2. –			
4								
4	8. 4	8. 4	17. –	2	4. –			
$ 140. –	$17. –	$ 19. –	$ 34. –		$16. 4		$8. 4	

of Fees —— Continued.

Charter	Passports		Registg Documts not ordered from Consulate.		Certificate of Citizenship		Burial		Sum total recd on this vessel.
Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	
									$ 5.-
									8.-
									5.-
									10.-
									4.-
									4
									21.2
									41.-
									4.-
									4.-
									4.-
									10.2
									4.-
									7.-
									4.-
									5.-
									4.-
									4.-
									10
									9
									5.4
									4.-
									4.-
									7.-
									5.-
									5.-
									4.-
									4.-
									4.-
									4.-
									7.-
									9.-
									4.-
									43.-
									$ 277.-

Consular Statement of Fees ___ continued.

General Remarks on this vessel.

2 Voyages

3 Invoices

1 do

Sold to Foreigners

1 Debenture

1 do

5

3

Consular Statement of Fees continued

Names of Vessels	Names of Parties for whom service is rendered	Certificates		Oaths		Noting Protest
		No	Amt	No	Amt	
Sanitary Certs	Gel Knights & Co:					$1.-
9 Smacks	Masters					
Sundry	Merchants &c	68	98.6	95	23.6	3
			$98.6		$23.6	$4

Consular Statement

Deposit of Ships papers	Surveys Registry &c	Copy of documts from record	Cert. Protest	Declarations		Powers of Atty		Bonds &c	
				No.	Amt.	No.	Amt.	No.	Amt.
$ 4									
4									
98									
		$ 6				12	$ 102		
106.		6					$ 102		

Fees ——— Continued.

Charter	Passports		Registers documts not ordered from Consulate		Certificate of Citizenship		Burial		Sum total recd on this vessel
Amt	No	Amt	No	Amt	No	Amt	No	Amt	
									$ 5.–
									4.–
									98.–
				$ 8.–					241.4
				Authenticating Documents					158.–
				Certificates of Discharge Seamen &c &c					89.5
				Commissions on Do and United States Vessels					177.6
				Do on United States Accounts					17.1
									$ 791.–
				Amount of Fo 1 Brought forward					375.4
				Do " 2 Do					362.4
				Do " 3 Do					358.4
				Do " 4 Do					396.4
				Do " 5 Do					321.6
				Do " 6 Do					277.–
						Total Amount			$ 2,882.6

N. P. Mills.

Havana Decr 31. 1839

Consular Statement of Fees ___ continued.

General remarks on this vessel.

41 Invoices 27 Debentures

41

27

Rec^d - 11 May
Mr Ninggold

Registers & List sent to Register of the Treasury

No. 131. (Havana Consulate)

Washington, May 9. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to transmit herewith (agreeably to the enclosed list) the Registers & Half Registers of vessels sold & wrecked, remaining in the Consulate at Havana at my departure thence on the 15th of March last. — They were brought with me, together with the Accounts and the Returns enclosed in my Nos 129 & 130; but, owing to the pressure of other subjects upon my attention, they have lain forgotten amidst the trunkful of papers wherewith those subjects rendered it necessary that I should encumber myself.

I am, Sir, very respectfully,
Yr obsevt.
N. P. Trist.

P.S. On comparing the Registers in the accompanying bundle with the enclosed list, I discover that there is one discrepancy between them. It relates to the Schr. Hazard; the Register of which (two halves) was transmitted with my Nos 113. & 116.

N. P. T.

Copy.

Havana Consulate N. 131

List of Registers and half Registers of American vessels

Clas.	Name.	Where Registered	Where b
Brig	Union.	Baltimore	New
Schooner	George A Crook.	"	Balti
" N. 70.	Hugh Boyle	New York	New
"	Bahia Packet	Baltimore.	Bal
" N. 27.	Alert.	Charleston	Char
"	A. Gardner	Baltimore	Bal
"	Hound	"	
Brig	Mary Olivia	New Haven.	B
Schoon.	× Hazard	Baltimore.	Ba
"	Filmore	"	
Brig.	Clarissa Ann	Bath	B
Schoon.	Columbia.	New Orleans	Ne

Consulate of the U.S. of America
Havana March 14. 1840

× Transmitted previously in halves.

Enclosure No. 1.

American vessels sold and wrecked.

	Where belonging	Date of Registers	Remarks.
	New York	Aug 3. 1839.	Sold to foreigners 1/2 Registers
	Baltimore	Dec. 14. 38.	Sold to foreigners - whole Regr.
	New York	Date cut off.	do. do. 1/2 Regr.
	Baltimore.	Nov 11. 1839.	do. do. 1/2 do.
	Charleston.	Date cut off.	do. do. 1/2 "
	Baltimore.	Nov. 1. 39.	do. do. 1/2 "
	"	Feb. 25. 39.	do. do. 1/2 "
	Boston.	Dec 13. 1839.	Wrecked - 1/2 "
	Baltimore.	Date cut off.	Sold to foreigners 1/2 "
	"	do. do.	do. do. 1/2 "
	Bath	Dec 17. 35.	do. do. 1/2 "
	New Orleans	No. 9.	do to American 1/2 "

America
Dec 14. 1840 N. P. Trist.

13 May
Ringgold

No. 132. (Havana Consulate)

Washington, May 12. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to transmit four communications (Nos 121. 122, 123. & 124) written at Havana prior to my departure; but which, owing to the illness of my clerk, and my want of command of time, it proved impossible for me to get copied or to copy before I sailed for this country.

I am, Sir, very respectfully,
Y. Obs. Servt.

N. P. Trist.

2 22 May
Mr. Livingston

No. 133. (Havana Consulate)

Washington May 21. 1840.

Hon: John Forsyth
Secretary of State

Sir

Among the papers laid before you by Captain Wendell of the Brig Kremlin, (copies of which were transmitted to me as enclosures in your letter of June 13th 1839) is a certificate, dated New York 22nd: May 1839, from Messrs. John Peters & Co., owners of the said brig.

Among the averments contained in the said certificate, is the following: "Shortly after her arrival there, (at Havana) the Captain, as we were informed by our agents, was imprisoned by the American Consul, in consequence of some difficulty between himself and mate, and, as we understand, was kept in prison several months."

That the Captain was imprisoned by the American Consul, is untrue; inasmuch as he was imprisoned by the Judicial authorities of the Country, in consequence of his refusal, (pertinaciously & maliciously persisted in) to conform to a decree, requiring of him to give his mate his discharge, according to the laws of the United

States, before the Consul; which decree had issued in consequence of an application made to those authorities by the Consul in behalf of the mate.

To this untruth, a peculiar significance and importance had, (long previously to the date of the certificate wherein it is here set forth) become attached, in consequence of its constituting one of the ingredients in a charge of falsehood, currently made against the Consul, both at Havana and New York; which charge was, "that he had imprisoned Captain Wendell; and, afterwards, alarmed at the consequences, had denied having done so".

The utter falsity of this allegation, its direct contrariety to the truth, particularly in the imputation conveyed by it, of a disposition to shrink from responsibility, has, in a former communication, been fully exposed. I did state that Captain Wendell had not been imprisoned by me; for such was the truth. But, with an express view to prevent any such idea as that I was disposed to shrink from the responsibility attached to the steps which had been taken by me on the occasion, I never answered the frequent enquiry addressed to me on the subject, without adding, that if Captain Wendell had not been imprisoned by

me, it was solely because the power to imprison was not vested in me. Had it been, the local authorities would not have been troubled on the subject. So solicitous was I upon this point, that I enjoined it upon the Vice-Consul never to answer the enquiry, when addressed to him, without making this addition to the naked fact that Captain Wendell had not been imprisoned by me.

The averment, that Captain Wendell had been imprisoned by the Consul, is one, which might have been innocently made, at the inception of the business. But it very soon acquired a far different character; and particularly was this the case after it had become embodied in the calumnious invention imputing falsehood to the Consul. This was its complexion at the time when the certificate of Messrs. John Peters & Co., now under consideration, was given. (a)

Having thus premised, in order that the precise object of the present communication may be understood, I will state, 1st: that the Agents of Messrs. John Peters & Co., referred to in the foregoing extract from their certificate, were, Messrs. De Coninck & Spalding; 2dly: that, from my knowledge of the character of those gentlemen, and par=

(a) In the leading editorial of the New York "Times" of May 3. 1839, the following passage occurs:

"We shall know ere long whether the pre=

particularly of W. Spalding, (who, as the American partner in the house, had, no doubt, held the correspondence with Messrs John Peters & Co.) I felt convinced, the moment I read the above quoted averment of Messrs John Peters & Co, that it could not but be untrue; 3dly that, upon enquiry of W. Spalding, he read to me, from their letter book, all the letters they had written on the subject of the Kremlin or her master; and 4^thly that said letters did not contain one syllable to justify the said averment.

I do therefore, unhesitatingly pronounce it to be false. I do, further, pronounce it to be maliciously false; and, as such, good and important evidence of the spirit by which they are actuated towards me, and in regard to the reliance due to such other of their averments, bearing upon me, as may prove insusceptible of direct disproof.

With a view to this point and another involved in their certificate, I will, consequently, request that Messrs John Peters & Co be called upon to state who are the persons referred to as "our agents," in the part of said certificate where those words first occur; and to put the Department in possession of a copy (or, if more con=

President will retain in office an imbecile tyrant, who, in violation of law and his consular powers, throws masters of American vessels into Spanish dungeons, and keeps them there for half a year — who makes false official statements &c &c.

convenient, the "duplicate" originals) of all letters received by them from those agents, wherein any mention is made of the difficulties of Captain Wendell with the Consul, or of any consequences arising from said difficulties. I would wish said copy or duplicates, to be accompanied with an affidavit from one of the partners of the firm of John Peters & Co., to the genuineness of the papers, and also to the fact that they are the only communications received by them from said agents, relative to the difficulties of Captain Wendell with the Consul, or to any consequences resulting therefrom.

Another request, which I will avail myself of the present occasion to make, is, that the same house be called upon to furnish a separate affidavit in regard to the postscript of a letter addressed by them to me under date the 21st: August 1838. That postscript is as follows: "There is no doubt on our minds that Captain Wendell is in a state of mental derangement, and therefore think the government should overlook his misconduct".

What reasons had they for the con-

-viction here expressed, that Captain Wendell's mind was deranged? What had they learnt respecting him? From what per-son or persons? I would wish that these questions be fully replied to; and that the affidavit contain an express averment that this has been done; that no suppression or omission of any kind has occurred in it, whether in regard to the names of the persons from whom information on the subject had been received by them or either of them, or in regard to the particu-lars of Captain Wendell's conduct, from the time of his arrival at Matanzas down to the date of their most recent intelligence or news from Havana, at the time when their letter to me was written.

I am, Sir

very respectfully

Your Obt: Servt:

A. T. Hill.

[illegible] 28 May
[illegible] Ringgold

Havana

Mr. Curtis delivers to apologize, for any seeming inattention to Mr. Van'l's note, yesterday, respecting the Spanish Record in the matter of Mr Trist.

At the time the Messenger was waiting for a reply to that note, a subject was under going discussion in this House, requiring the undivided attention of Mr. Curtis:

The Record referred to is at the service of Mr Trist, & will be delivered from Mr. Curtis's lodgings, at any time, to any Messenger from Mr. Trist, or the Department.

House of Reps:
25th May. 1840

A. Vail Esq
Acting Sect. State

Lauter:

Copy

Rec'd May 29. '40

Consulate of the United States of America
Havana

On the day of the date hereof, before me Nicholas P. Trist Consul of the United States of America personally appeared Alvin Baker, master of the within named Brig Douglass, and being duly sworn did declare, that having engaged to take a freight from this port to Benn on the coast of Africa, and being about to depart for said destination, he, the said declarant doth deem it a proper precaution for the safety of his vessel while on said Coast, to arm her with two iron guns of the calibre of 2½ pounds. And I, the said Consul, recognising the right of said master to take the said precaution, do furthermore hereby give it my full and entire approbation; and I do enjoin it upon said master, as he deems himself worthy of bearing the title of Citizen of the United States of America, to use the said guns, should circumstances be such as to afford any hope of its being done effectually, as long as he has a pound of powder to put into them, against any and all assailants: whether

these be pirates having plunder in view, or offic
of cruisers of any Foreign government, pretend
only to search his vessel after he shall have
exhibited to them this Register, and cautioned
them not to violate his country's flag. —
In Testimony whereof
I hereunto set my hand, and
affix my seal of Office, at Havana,
this Third day of August in the year
of our Lord, one thousand eight hun-
-dred and thirty nine, and of the
Independence of the United States
the Sixty fourth.

(L. S.)

(signed) N. P. Trist.

The within was
sent to the President
by the Collector
of New York. It is
refd to the Secy of
State to be
communicated
to Mr Trist for
explanation

MVB

Havana Consulate No. 134.

Letter
&
Enclosures.

No. 134. [Havana Consulate]

Washington, June 11. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

In closing my statement of the Wendelle case [No. 62] I observed, "there remains some episodical matter, consisting of correspondence with the owners &c, which I will send at the earliest moment possible, as an appendix to this communication."

This appendix has become the more necessary in consequence of the part acted by Messrs. John Peters & Co. of New York, the owners of the Kremlin, in lending themselves, knowingly and maliciously, to the vindictive purposes and the mendacious means of captain Wendelle. This is a grave charge; and it is brought under a full and deliberate apprehension of the responsibility attending it. But the proof stands upon the face of the certificate given by them to

captain Wendell, under date 22nd: May 1839, and by him communicated to the Department in his letter dated New York May 23. 1839. That certificate, besides being, from beginning to end, a tissue of misrepresentation and of false statement, which might possibly have originated elsewhere than with the certifiers, contains one positive averment of an untruth which can not possibly have originated with any but themselves. Upon this point I refer to my No. 133, and to the documents which may hereafter be obtained on the subject.

I now transmit thirteen documents, (Enclosures from No. 1 to No. 13) showing among other things, my course in regard to the discharge of the crew of the Kremlin, and to the settlement for wages, &c., which subsequently took place: these being the two most material of the points in regard to which the certificate of Messrs. John Peters & Co. is replete with untruths.

Enclosure No. 1. is an entry in my memorandum book, made by myself on the 30th July 1838, in the presence of Henry M. Savage, one of the crew of the Kremlin, who had visited the Consulate for the purpose of asking me to obtain his and his shipmates discharge, and to inform-

me of their condition on board. The memorandum will be seen to consist of enormities and absurdities committed by captain Wendell, worthy of occupying a place by the side of his treatment of the first mate. The order to the second mate, if any of the crew should be taken sick, not to let them have anything out of the medicine chest; and the fork-discipline practised upon the steward, are in such perfect keeping with Wendell's general deportment, that if mere inventions of Savage's they prove him worthy to rank with the most natural fiction-writers of the day.

Enclosure No. 2. Is a letter written by me on the same day, to Mr. John Fitch (a) second mate of the Brig Kremlin. To this letter, I invite particular attention; inasmuch as it, or its import, must have been communicated by Fitch to his employers, Messrs. Peters & Co. and could not but be known to them when they gave their certificate. Fitch was at the time in charge of the brig although act-

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(a) His true name is Chauncey Fitch, not John. This error was committed in consequence of my having taken the names of the crew from the Crew List, made out at the New York Custom House, He is there put down as John Fitch.

=ing under the orders of Wendell, whom he daily visited
in prison, for the purpose of receiving them. The ob
ject of this letter will be seen to be, to inform him
of the right of the crew to be discharged on demand,
of my reason for not aggravating the difficulties of
his position at the moment by exacting of him the
payment of the three months extra wages, of
my advice to them, not to insist upon their dis
charge immediately, but to stay by him, [Fitch]
with the assurance of my protection against
outrage from the captain if he got out of jail
whilst they should be on board, and to caution
him not to obey any order the captain might
give him to violate the liberty of the men or act
counter to what I told him of their rights.

Enclosure No. 3. Is a memorandum made by me a week after the foregoing, upon Savage's revisiting the Consulate, to claim my interposition in their behalf. My letter to Fitch had been shown by him to Wendell, who had ordered him to pay no regard to it, and, in consequence, they were not allowed any means to communicate with the shore. It was on this occasion, probably, that I learnt from Savage that a man [subsequently ascertained to be Tomlinson, the keeper of a grog shop and bid

=ing

hiding place for sailor deserters in the neighbourhood of the prison, who afterwards became Wendell's bail] had gone on board the Kremlin, to tell them, that if they dared to follow the ~~example~~ bad example set them by the first mate, and give their captain trouble, he would get them all put into the stocks.

Enclosure No. 4. Is a letter from me to the Captain of the Port, asking his aid to my Clerk in obtaining the release of the men from the brig.

Enclosure No. 5. Is the Captain of the Port's answer, saying that they were closely engaged when my note was received, that so soon as their attention became free he sent for my clerk, and that on the following day, so soon as he should present himself, my wishes should be fulfilled.

Enclosure No. 6. Is a paper written on board the Kremlin by my clerk and signed by Fitch, showing that on the subsequent day August 7. 1838, the men were delivered from their unlawful detention. They, from that moment were under my protection as destitute seamen, subject to detention as witnesses, according to the no-

-tification and request addressed me by the court on the 28th July.

The foregoing concludes the history of the mere discharge of the crew, considered apart from any settlement for their wages: this having been, for the moment, waived by me, through consideration for the situation of the second mate, a very young man, who was just out of the fever, without money or the means of command-ing it, and who proved himself actuated by the best intentions: the only fault, that I know of, committed by him in the whole course of the business having been his conforming to the captain's order not to regard my injunc-tions concerning the right of the crew to quit the vessel.

Enclosures Nos. 7. and 8. Relate to an episode connected with the discharge of the crew; the pretended abandonment of the brig; which, for the double purpose of intimidat-ing him, and exciting prejudice against him, was reported about town as "the consequence of the Consul's lawless proceedings." It will be seen that although the Captain of the Port did

nothing but his duty in informing me of the supposed abandonment of the brig, it was a fiction

Enclosures Nos. 9. and 10. Are a letter from Messrs. Peters, owners of the Kremlin, and my reply. The former is a very remarkable document, pregnant with deep meaning in regard to the position of a Consul who proves so forgetful of what is due to "Ship-owners," as to take any step which may result in subjecting them to "unnecessary expense, in consequence of altercations between Captains and his crew or mates."

Besides it's general tone and drift, which constitute it an undisguised threatening of the Consul, under the pretext of talking at the Spanish Authorities, I who, they were fully aware, had acted in the matter solely in consequence of an appeal from me I there are several notable points about this letter. In the first place, it is to be noted, that it ~~from~~ is from the same gentleman who, afterwards, in May 1839, gave a certificate, that "shortly after her arrival there, the captain, as we were informed by our Agents, was imprisoned by the American Consul, in consequence of some

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difficully between himself and mate." This, to be sure, is an untruth; inasmuch as they never had been so "informed by our agents." But, it is no doubt true, that they had been informed of the truth, to wit: of the Consuls having been instrumental in getting the authorities to interfere. Connect this fact with the general tone of the letter, as a call upon the Consul, telling him, that "we have been informed by gentlemen direct from Havana, that a great deal of ~~ex~~ unnecessary expense has already been contracted, and unwarranted by the circumstances of the case"; that "we think we have a right to claim from you proper protection for our property, and shall rely implicitly upon you to see that we are subjected to no imposition or unnecessary expense in consequence of altercations between Captain Wendell and his crew and mates; that if we find that Captain Wendell has been maltreated by the Spanish Government, or that our property has sustained material injury through their means, we shall lay the whole subject before Congress at its next session;" and "repeating that we rely implicitly upon you to see that our property receives no detriment:" connect this fact, of the Consul's

Known

known instrumentality in calling for the action of the Spanish Authorities, and which he knew could not possibly but be known to Messrs. Peters & Co., and what is this call upon him, but an intimation that he had grossly violated his duty and a threat to have him called to account for so doing?

But the most noteworthy feature of the letter consists in the manner wherein it speaks of Captain Wendell's conduct. It is impossible but that the unprovoked, wanton, and brutal outrage committed by him should have reached the ears of the writers. The truth in regard to this point oozes out at an unguarded spot in the bottom: "There is no doubt in our minds that Captain Wendell is in a state of mental derangement, and therefore think the Government should overlook his misconduct." Such is the postcript! And yet, in the body of the letter, this misconduct, (so outrageous as to establish beyond "doubt in our minds," the mental derangement "of the man guilty of it) is spoken of as the merest trifle in the world, one which a Consul would incur the heaviest responsibility for attaching the slightest importance to, as compared with the sacred consideration of "expense" to

ship-owners;" which fearful accountability is brandished over my head: "we understand that Captain Wendell of our brig Kremlin has had some difficulty in Havana;" - "a great deal of un=necessary expense has already been contracted, and unwarranted by the circumstances of the case;" - "altercations between Captain Wendell and his crew or mates;" - "his conduct certainly deserves censure for quarrelling with an officer in a foreign port under any circumstances;" - but "if on examina=tion we find that Captain Wendell has been maltreated by the Spanish Government, or that our property has sustained material injury through their means," I meaning through the au=dacious disregard manifested by you, the Consul, for the obligation to sacrifice every other considera=tion to the holy object of saving expense, I "we shall lay the whole subject before Congress."

In my reply, I refer to one previously made to a communication ~~made to~~ from Captain Lazneau, I, the new master sent out to take charge of the Kremlin I "for the views entertain=ed by me upon some of the points touched on in your letter." If these views generally, were of a nature to prove unpalatable to Messrs. Peters & Co., there is one among them which may be sup=

=posed to have been peculiarly revolting to the taste of "ship-owners" of the class to which those gentlemen appear to belong. It is as follows: "In regard to the opinion here expressed by the owners, that, 'the vessel is not accountable for expenses incurred by his [the masters] misconduct,' there are, to say the least, many possible cases - and some, I regret to say, of very common occurrence under our flag - in which, as judge or juryman under our laws, I should act directly counter to it, and carry to it's utmost length the principle which holds the employer responsible in his property for the consequences of every act of his agent, done in that capacity. If ~~those~~ here be cases which peculiarly demand the rigorous enforcement of this principle, such cases are afforded by the nature of the relation which exists between a ship-master and all subject to the power which the law unavoidably attaches to the post wherein the owner places him."

Enclosures No. 11 and 12. Letter from Captain William L. Cazneau, the new master sent out by the owners of the Kremlin, and my reply. The former [I deliver=ed on Sunday, and answered the same day.]

was written three days after the arrival of Captain Bazneau, during which he had every opportunity of personal enquiry of myself and of the former and the present consignee: for, all further agency in the matter of the brig Kremlin having been either declined by or taken from the house of Decominek and Spalding, the consignment had passed into the hands of Don Carlos Cruzat & Co.. So far as the question depended upon the state of the case under the laws of the country, the proper course for obtaining the information asked by this letter was, through the instrumentality of the consignees, the true and proper assistant of the Captain as representative of the owners, in all matters regarding their private interests and concerns. The course taken in making this application to me was but of a piece with the rest of the game of intimidation and responsibility-throwing, which, from the outset, had been avowed by Captain Wendell.

I was not at all sorry for it, however; as it opened an opportunity for making known upon paper the demand which I deemed it my duty to make on behalf of the crew, together with my views upon that part of the subject.

It

It will be seen, that I herein laid down the princi-
-ples upon which the settlement with each of the
crew was to take place. With my letter before
him for his government, the Vice-Consul ascer
-tained the amount due to each, and the ag
-gregate was passed to my credit on the books
of the new consignees, Don Carlos Cruzat & Co.
I had no account with these gentlemen; but,
as a security against the spirit of misrepresen
-tation and calumny which gamboled so
wantonly in this field, I determined that
not a cent of this money should even so
much as pass through my consulate; but
that it should remain in the hands of the
consignees, until paid out by them upon my
orders, to the individuals entitled. It will be
seen that with the exception of the one month's
extra wages for the mate and four seamen,
wherewith the Government will be found credit
-ed in my public accounts, the money did
thus remain in the hands of the consignees;
and that even the commissions to which a Con
-sul is entitled by law upon all wages paid
through his instrumentality, were waived by
me. A copy of this liquidation was furnished
to Cruzat & Co., and by them transmitted to

Peters & Co. A copy will be found attached. [Sub-Enclosure No. 1]

The foregoing details may seem superfluous. They have, however, been rendered indispensable by a most malicious and wanton misrepresentation of the subject, in the certificate, already alluded to as part of the Peters' contribution to Captain Wendell's quiver of mud-point shafts. The same cause renders a few further details necessary.

This settlement took place late in September or early in October. The sailors were then gone. Their patience being exhausted, they had left, after receiving from me the assurance that I would recover their wages for them. Early in December following, an affidavit was transmitted by Peters & Co. to Cruzat & Co. as proof that certain of the seamen therein named had, on their return to New York, been settled with to their satisfaction; and this was made the ground for a demand from Peters & Co. to refund the amount collected at Havana.

This demand rendered a new liquidation ~~necessary~~ requisite, comprising that which would have taken place with the sailors, had they come to re-

ceive the money.

Upon being taken under my protection in August, the men were utterly destitute, and as such entitled to maintenance at public charge. Had this continued to be their condition, their expenses would have been charged in my account against Government. But so soon as I recovered for them the wages due to them, then, agreeably to a rule long established by me, to take under my protection every sailor in want, but not to treat as a pauper any man for whom I could procure work or recover wages, I gave to these wages the retroactive operation of paying the expenses of those by whom they had been earned. Upon this principle, before refunding the amount collected on account of the Sailors whom Peters &c. had satisfied at New York, I deducted the amount of their expenses, which must otherwise have been charged, and unjustly charged, to the public. This deduction being made, and also the further deduction of one month's wages, with which the law required that the government should be credited, the balance £ # 96. 87/100 was refunded. The details of this second liquidation will be seen in sub-enclosure No. 2.

These are the facts in regard to the two

bills, containing "charges materially different;" which Peters & Co., with all the papers in their possession, present for the consideration of the government, in connection with the statement in their certificate, that "our agents sent us a bill paid the Consul, in which he charged three months' wages paid several of the sailors, and their wages to different dates. The Sailors returned to New York and called upon us for their wages, saying that they were discharged ~~to~~ by the Consul, although they did not wish it; and some, most of them under oath, that they had never received any money from the Consul!"

Enclosure N° 13. Is my reply to a letter from Mrs. Wendell, upon which I cannot at this moment lay my hand. This is the letter which, in the New York proceedings, transmitted to the President, in support of the demand for my instant removal, was denounced as unfeeling in the extreme, and of a piece with the scorn and contempt by which my countrymen are habitually outraged by me!

I am, Sir, very respectfully
Your Obt. Servt.

N. P. Trist.

Havana Consulate No. 134. Enclosure No. 1.

Copy of an entry, made in a memorandum book kept by N. P. Trist, Consul of the U. S. of A. at Havana.

1838.

July 30. Henry M. Savage, (native of Augusta, Maine, age 32 last February) one of the crew of the Kremlin, a very decent looking young man. Wants his discharge. He states that the 2nd mate is now sick, in consequence of having been kept so long yesterday in the sun by the Captain, who requires him to visit him at the prison, twice or thrice a day. Complainant himself was kept in the boat yesterday about three hours, late in the forenoon, exposed to the sun, while the boat lay at the Punta, waiting for the 2nd: mate who had gone up to see the captain. Second mate has been bled this morning and is now lying in the hammock. After being bled he went up to see the Captain. After being bled this morning, and before he went to see the Captain, 2nd: mate told complainant, and "Jim" (Low) and "Alick," and, he thinks, "David," that the Captain's orders to him were, not to let any

one come on shore; and if any of the crew were sick "not to let any of them have any thing out of the medicine chest." When complainant went on shore with the boat, the first day that the Captain was taken to prison, when the 2nd: mate took to the Captain his trunk and desk, the 2nd: mate, when he came back to the boat, told complainant, that the Captain had given him orders "to hoist the colours Union down, and to keep them so." That if the Captain of the Port told him to haul them down, "not to haul them down for him nor for the Captain of Damnation" and if the Counsel told him to haul them down, to tell the Counsel to go to Hell."

The men all desired complainant to say to the Counsel that they want to leave the vessel, and want some way to get from her. There are five besides complainant; and also, the cook, a mulatto man. He too, wants his discharge, but he is afraid to come on shore, lest he should be put in jail. (complainant is asked by me, how this man came not to be taken out of the vessel on her arrival here?) The Captain ordered him to keep below; and when the boarding boat enquired for the crew, he told them that two had left at Matanzas, and he produced,

as the cook, one of the white men, James, the man from New York, whom he had made act as cook at Matanzas, while the cook was in prison there. This mulatto cook has also been badly treated by the Captain, who has repeatedly flung forks at him, and struck him in the arm.

The 2nd: mate told complainant, and W. Bell, and several of the crew who were aft, that if the same Captain took the vessel home he would not go in her. Complainant has understood that 2nd: mate was put in by the owners, and that this is his reason for staying by the vessel.

After the difficulty with the 1st: mate, and before the Captain went to Matanzas, (a) he said that he wished the crew would run away, that he would "pay them to run away", that "they had better cut stick while he was gone to Matanzas", and, "if they did not, they would be glad to": that if they could be driven away by hard work, they would be. And he tried his best, ~~keeping~~ Kept them scraping and washing; the Brig has been scraped round three times since she left N. York. On saturday, before the sunday when the Captain went to Matanzas, he had some lime brought on board, and left orders with the 2nd: mate, to make them set to, on sunday morning, and

(a) This has reference to a trip to Matanzas, which took place subsequently to the Consul's demand, on behalf of the first mate, that his discharge should be given him.

white wash the forecastle, and steerage, bulk heads &c. There was no doubt he did this in hopes it would make them run, or refuse du=ty; so that he might have them thrown in jail.

Havana Consulate No. 134. Enclosure No. 2.

Kremlin

Consulate of the United States of America
Havana, July 30th 1838.

Mr Silas Fitch,
Second mate of the Brig Kremlin of New York,
now in charge of said vessel.

Sir,

Henry Mc. George, one of the crew brought to this port in the Brig Kremlin has appeared at this Consulate, and, on his own behalf, as well as that of all the rest of the crew, demands his and their discharge from said vessel. - Having my self read the Shipping articles exhibited to me by the Captain on the 14 inst, I already know that every one of the crew is intitled to his discharge we demand, and leave therefore to request that you will give it without delay to any one who asks it.

Conformably to our law, these men cannot be discharged without the payment of the wages earned by them, and also of three months extra-wages, over and above the former. But, in consideration of the peculiarity of your situation, which I am sory to learn this morning, is aggravated by sickness, I shall not

add

add to your trouble under such very extraordinary circumstances, by calling upon you to do what I know you do not possess and cannot command the means of doing.

The crew must therefore content themselves for the present with the secure enjoyment of the freedom which is of right theirs, reserving the prosecution of their other rights until they return to the U. States. They might be sued for in the tribunals of this place, who could not fail to enforce the claim against the vessel. But, on account of the detention here which the mere would probably incur by adopting such a course, besides other good reasons, I shall advise them decidedly against it.

Feeling as I do, for the embarrassing and distressing situation in which you are placed; and which, as I understand, you remain in through the laudable wish to stay by the vessel on the owner's account; and inclined as I am to applaud the determination which you evince so long as you occupy your post, to fulfill its duties by obeying to the extent of your ability all orders from the master, in prison though he be, I must however warn you, not to obey any order that he may give you to

to interfere with the personal liberty of these men, as you would thereby commit an offence against the laws of this country, for which, whatever might be the responsibility incurred by him in giving you such orders, you <u>could not fail to be held personally accountable</u>.

They are no more bound to the Kremlin, than they are to the French brig of war now in port; and should you venture to commit any violation of their liberty, it would be my most unpleasant duty to make a representation in their behalf against you, which could not fail to be attended with serious consequences. My earnest advice to you, therefore, is, not to venture upon any such attempt, <u>whatever may be the orders of the Captain</u>.

I shall recommend to the men, that a portion of them, at least, should stay by the vessel, so long as she may be in your charge; under the guarantee from me, that they shall be under the special protection of the Captain of the Port, to have an opportunity of leaving the vessel before the master shall get on board, should he get out of prison during their continuance there.

I am, Sir, very respectfully

Your Obt. Servt.

N. P. Trist.

Havana Consulate No. 134. Enclosure No. 3.

Copy of an entry made in a memorandum book kept by N. P. Trist, Consul of the U. S. of A. at Havana.

1838.

August 6. Henry M. Savage of Brig Kremlin, states that the climate is making him sick, that he wants to go, and so do several others. The 2nd: mate refuses to let them go. He has shown my letter to Captain Wendell, who orders him to detain the men, and he will take all upon himself.

Havana Consulate No. 134. Enclosure No. 4.

Consulate of the United States of America
Havana, August 6th 1838.

Henry M. Savage one of the crew brought here by the Brig Kremlin of New York on his own behalf and that of several others of the crew, has applied to me this day to obtain without delay, their discharge from said vessel; in which, he represents, they are still detained by the second mate, in compliance with the Captain's orders, notwithstanding a letter from me warning him against such a course.

Having had under examination the contract entered into by said mariners, and knowing that, agreeably thereto, the whole crew are perfectly free from the vessel, on board of which no one has any authority to detain them one moment against their consent, it is my duty to protect them in the enjoyment of their liberty and to call upon you for assistance in so doing.

I have therefore to request that you will give to the bearer of this, Mr Peter Cussol, all requisite aid for proceeding on board said Brig, - to demand of said second mate that he give to those

men

men their discharge before me, according to the laws of the United States; and in the event of his non-compliance, to protect the men in leaving said Brig with their effects, and coming on shore.

I have the honor to be, with much consideration, Your Obt. Servt.

N. P. Trist.

To the Captain of the Port

Habana Consulate N.º 134. Enclosure N.º 3. del Aug. 6. 38

Capitania del Puerto
DE LA
HABANA.

8 o'clock P.M.

He recibido el oficio de V. fha de hoy relativo a los marineros del Bergantin Amº. Kremlin, y por hallarse esta oficina en tal momento oficiando urgentemte al Escmo Sor Capitan Gral no pude dejar á cubierto cuanto V. me encarga: mas tan luego como quedo espedita mandé á buscar á Mr Piter Crusoe pa el efecto, mañana tan pronto como se presente podrá desempeñar la Comision que V. me manifiesta.

Dios gue á V ms. añs.
Habª y Agosto 6 de 1838

Juan de Ulloa

Sor Consul de los Estados Unidos.

Havana Consulate No. 134. Enclosure No. 6.

Agreeably to the Consul's request, I do hereby give the following men their discharge from the Brig Kremlin of New Bedford viz — James Low, Henry M. Savage, Chas. Milikin, Alexander Walk, and David Toft, I being at present in charge of the said Brig. —

Havana 7th August 1838.

Chauncey Fitch

Besides the above named men I discharge Charles Williams, he having been sick but is now able to go on shore. —

Havana 7th August 1838.

C. Fitch

7.

Habana Consulate No. 134. Enclosure No. 7. Rec. Aug. 8. 38

Capitania del Puerto
DE LA
HABANA.

El Bergantin Americano Kremlin, á causa de haberse desembarcado sus tripulantes, como le consta á V., se halla en un estado de abandono; yo en cumplimiento de mi deber se lo participo á V. para dejar á cubierto esta dependencia de mi actual mando, en lo q.e pueda ocurrir.

Dios gue á V. m.s añ.s
Hab.a y Ag.to 8 de 1838

Juan de Montaño

Sor. Consul de los Estados Unidos de America.

Havana Consulate No. 134. Enclosure No. 8.

Consulate of the United States of America

Havana, August 15th 1838.

Sir,

I have the honor to acknowledge the receipt on the 8th inst, of your ofcio of that date, notifying to me that, in consequence of the discharge of her crew, the Brig Kremlin was in a state of abandonment. — My first intention was, to request you to place a guard on board, for her protection; but finding that the second mate, who had retained charge of her, and had now recovered from his illness, was disposed to continue on board, if he could obtain one seaman and a cook to keep him company, I made arrangements for providing him with these. —

Of this you were at the time — informed verbally: the pressure of other engagements not allowing me to send you a written reply, which I now do, in order that it may appear upon your files, and to make my acknowledgments for the prompt attention given by you

you to the subject.

I have the honor to be, very respectfully
Your Obed.t Serv.t
N. P. Trist.

Don Juan de Montaño
Lt
Captain of the Port

Havana Consulate No. 134. Enclosure No. 9.

(Copy)

New York 21. August 1838.

Dear Sir,

We understand that Capt Wendell of our brig Kremlin has had some difficulty in Havana, and in conformity with the advice of our friends Messrs. Decrinck & Spalding we have sent a captain, the bearer of this to take charge of the brig and bring her home.

We have been informed by gentlemen direct from Havana that a great deal of unnecessary expense has already been contracted and unwarranted by the circumstances of the case.

We have been ship owners from the year 1798 to the present time & never give our consuls unnecessary trouble; but in cases like the present, we think we have a right to claim from you proper protection for our property, and shall rely implicitly upon you to see that we are subjected to no impositions or unnecessary expense in consequence of altercations between Capt Wendell & his crew or mates.

We

We hope Capt W. has extricated himself from his troubles before this reaches you. His conduct certainly deserves censure for quarrelling with an officer in a foreign port under any circumstances, and as the vessel is not accountable for expenses incurred by his misconduct (farther than three-months pay) We shall pay nothing on his account.

The bearer is instructed to get all the vouchers in the case and if on examination we find that Capt Wendell has been maltreated by the Spanish Gov.t or that our property has sustained material injury through their means, We shall lay the whole subject before Congress at its next session.—

Repeating that we rely implicitly upon you to see that our property receives no detriment.

We remain

Your most obed.t Servants

(Signed) John Peters & Co.

There is no doubt in our minds that Capt Wendell is in a state of mental derangement & therefore, think the government should over look his misconduct.

Your Mo obt Servts

(Signed) John Peters & Co

Havana Consulate No. 134. Enclosure No. 10.

Consulate of the United States of America

Havana, September 26. 1838.

Messrs. John Peters & Co.

New York.

Gentlemen,

Your favor of the 21 August was handed me on the 13th inst by Captain Carneau, who, after hearing some of the particulars of the conduct of Capt. Wendell and of my own views of the case, requested that I would write you an account of the whole business.

This, I informed him, would be out of my power; owing to the time it would require, and which is so little at my disposal, that the communication which I must make upon the subject to the Secretary of State (to whom I am under the necessity of referring you,) will unavoidably be delayed somewhat beyond the moment when I should wish to forward it, which is, so soon as the decision that the authorities may make upon it

shall

shall become known to me.

Some days previously to the arrival of Captn Carneau, learning that the proceedings in the case, (which had been rendered exceedingly voluminous by the utter recklessness of the course persisted in by Capt. Wendell during their entire progress) were about to be remitted to the Captain General, on their way to the other law-officers whose action upon them was requisite, I availed myself of the occasion to call His Excellency's attention to the importance of despatch on the part of those officers; adverting particularly to the inconvenience and expense attending the detention here of the whole crew, who were required to remain until the case should be decided.

My uniform experience of his disposition on such occasions, and of his character as a man of business satisfied me that nothing further was requisite to ensure all the despatch which his recommendation was calculated to produce; — and at the time of Captn Carneau's arrival I was in hourly expectation of learning that the case had reached its close.

Being

Being disappointed in this
down to thursday evening last, I called the next
day upon H. E. who immediately called for
information from the office of one of the
Secretaries. The report made to him was,
that the proceedings had been remitted on the 10th
inst, to one of the law officers who had to act
upon them: whereupon he gave an order for
enquiry and report to him on the next day, as
to the stage which the business had reached.

This step will doubtless have the
effect of hastening the decision of the case; and
thereby of putting an end to all suspense in
regard to the situation of the vessel, and to any
question which may have arisen with regard
to her liability or non-liability for the costs;
which, as already intimated, have been most
extravagantly swelled by the course pursued
by Captn Wendell,— with no other assignable
motive than to make all the mischief he
could.— In taking it, however, I made no
allusion to any question with regard to the
vessel; and mentioned only incidentally the
arrival of a new Captain to assume the
command and take in a cargo for New
York

York: grounding my visit chiefly upon the protracted detention of the parties and witnesses, (the latter of whom, indeed, having waited till their patience was exhausted had mostly gone off without asking leave) and the general necessity of bringing the case to a close.

In thus avoiding to suggest any question in regard to the vessel, or to bring her prominently into view as an object of my interference, I was governed by the conviction, that, in the present stage of the business, the defence of your interests (and enquiry into the course of the proceedings so far as these may have a bearing upon them) is properly and exclusively the business of your consignees, assisted or not by legal counsel, as to them may seem advisable. And, however disposed I might, for the purpose of rendering you service, be to deviate from the line dictated by this conviction, expediency would on the present occasion forbid my doing so: since with a view to the bringing about of a favorable decision by the law-officers upon any points that may have arisen bearing upon your interests, it is, beyond question,

politic

politic that the management be left to your correspondents, without my having any participation in any steps that may be suggested by their own experience or the advice of counsel.

On the Sunday after his arrival I received from Capt. Carneau a letter informing me of his having taken command of the Kremlin, and enquiring "if there were within my knowledge any impediment or hindrance to his taking in a cargo and proceeding to the United States."

To my answer, which will doubtless be communicated to you by him, I beg to refer for the views entertained by me upon some of the points touched on in your letter of the 21st ult.—

Beyond that, I have time only for a word in reply to your postcript expressing a conviction "that Capt. Wendell is in a state of mental derangement:" a conviction for which, to one who had not an opportunity of seeing and conversing with the man himself, superabundant grounds are certainly afforded by his conduct. But, to my eyes, he evinced no symptom of mental

derangement

derangement, but the contrary; except so far as every man may be said to be insane, who spurning at every suggestion of justice or humanity in his department to those subject to his power, or of decency towards others, expects to carry every thing before him by bullying. — I am convinced that he had his senses perfectly about him the whole time, and that matters would not have been pushed by him to extremities if he had not, from beginning to end, confidently entertained the idea that he would finally triumph through fear on my part to encounter all the consequences which, it was very clear, might result — as, unfortunately for you, they have resulted — unless he or I should give way. Before his arrest he threatened to make abandonment of the vessel if I should carry out the line of conduct which, from the outset, he was informed that I should pursue; (a threat which offered some hope for his owners, and I wished for their sake that he would execute, but he never showed any anxiety to do so) and I believe that it was not until he had been some days in prison, that his dangerous confidence — arising partly from

from his own character, and partly inspired by the instigations of others — in my becoming alarmed abandoned him to a consciousness of the realities of his position. But I must here bring this to a close by asking the favor of you to cause the enclosed answer to a letter from his unfortunate wife to be put into the best channel for reaching her.

I am, gentlemen, very respectfully

Your Obed.t Serv.t

(Signed) N. P. Trist.

Havana Consulate No. 134. Enclosure No. 11.

N. P. Trist Esqr.
United States Consul

Sir,

Having taken the command of the Am. Brig Hermlin, formerly under that of A. Wendell jr., I beg of you to inform me if there be within your knowledge any impediment or hindrance to my taking a cargo on board and proceeding to the U. States.

I am Sir
respectfully
Yr. Ob. Servt.
(Signed) Wm L. Carneau

Brig Hermlin
Havana Sept. 15. 1838.

(12.)

Havana Consulate No. 134. Enclosure No. 12.

Consulate of the United States of America

Havana, September 10th 1858.

Capt. Wm L. Carneau,

Brig Kremlin of New York.

Sir,

I have this moment received your letter under date of yesterday, informing me of your having taken the command of the Brig Kremlin, and inquiring, "if there be within ~~your~~ my knowledge any impediment or hindrance to ~~your~~ my taking a cargo on board and proceeding to the United States."

In reply I will state, that there does not, to my knowledge, exist any hindrance whatever to your taking in a cargo, nor any to the departure of the vessel, except the lien upon her for the wages due to her first mate and crew; the payment of which, so far as it depends upon any steps which I can take in their behalf, I deem it my duty to insist upon, and to apply, if necessary, to the authorities to enforce, before she be allowed to depart.

The

The wages here referred to, mean, with regard to the chief mate, 1st. the wages at which he shipped, running to the day on which he shall receive from the master of the Kremlin the discharge to which he was entitled on demand; but which has been, to this day, denied him by the late master, who has persisted in claiming him as still belonging to the vessel: 2d. the three-months wages extra.

That his rights in respect to any further claim he may see fit to make hereafter upon the owners, for the consequences of the course pursued by their Agent, the late master, may not receive any prejudice from the limitation here given to the demand made by me on his behalf, I deem it proper to add, that were I invested with judicial power to such effect, the above amount would be greatly increased by the award of, 1st damages for the treatment received by him from the late master; 2d. all the expenses of his detention, particularly in the loss of the opportunities which have offered for the employment on which he depends for the support of himself and his family.

With regard to the crew, the wages now demanded consist of, 1st the wages at which they shipped, running to the day (August 7th) upon which, in compliance with a request from me, the Captain of the post forcibly delivered them from

from the confinement on board the Kremlin, where, in compliance, as I understood, with orders from the late master, them in jail, the second mate, then in charge of the vessel, persisted in detaining them, notwithstanding a warning from me that the men were not bound to her, and that by pursuing any such course he would be guilty of a gross violation of their personal liberty. 2nd The three-months extra wages for each of them who is entered upon the Crew-List as an American citizen, which, to the best of my recollection, is the case with respect to them all.

The remark made respecting the chief mate applies to some extent to the crew also, who besides the denial of the discharge to which they were entitled, and their compulsory detention on board, (the vessel being in the stream and the use of a boat denied them for coming on shore) experienced a long detention here, attended with sickness besides loss of time, arising solely from their connection with the Brig and the conduct of her Captain.

Most, if not all, of the men have left the port; but, in anticipation of this happening before the owners at New York should have had time to make the arrangements necessary for the liberation of their vessel from the position in which she lay, they invested me with authority to demand the

proper

proper settlement on their behalf, which I promised them should be done.

It remains to specify the case of the cook, the amount of wages due upon the discharge of whom differs from that of the other case, owing to the circumstance of his having been in confine-ment here, (as a colored foreigner) down to this time. I offered some time ago to procure his re-lease, so soon as an opportunity should offer for him to go by; but, expecting that the owners would lose no time in making provision for setting matters to rights here, he preferred to remain until this should take place, that he might obtain a settlement before he went. — In his case, therefore, are to be paid, 1st the wages at which he shipped, running to the day on which you may give him his discharge; 2nd any expenses that may have arisen from his con-finement, for maintenance or otherwise; and 3d the three-months wages extra, if he be on the crew-list as an American.

The only other disbursement known to me as requisite is, the wages of the two men (a cook and a seaman) procured by me at the request of the second mate, to enable him to remain on board the vessel after the crew had left her.

This completes the list which I am

marked

enabled to make of the pre-requisites to the sail-
-ing of the Brig: none of which will, I trust, prove
any cause of embarrassment to the consignees
here. In the letter from the owners, under date
August 21, delivered to me by yourself, recent
their passage, "as the vessel is not accountable
for expenses incurred by his (the masters) mis-
-conduct (further than three months pay) we
shall pay nothing on his account." — Whether
the three-months pay here mentioned had ref-
-erence to the discharge of the chief mate solely,
or to that of the crew also, your instructions
and the letters to the consignees afford probably
better means of judging than are possessed by
me. — However this may be, I cannot make
any distinction between the two cases in this
particular, and must equally insist upon the
extra wages in all.

In regard to the opinion here expressed
by the owners, that "the vessel is not accountable for
expenses incurred by his (the masters') misconduct,"
there are, to say the least, many possible cases — and
some, I regret to say, of very common occurrence
under our flag — in which, as a judge or juryman
under our laws, I should act directly counter to it,
and carry to its utmost length the principle which
holds the employer responsible in his property for

the

the consequences of every act of his agent, done in that capacity. If there be cases which peculiarly demand the rigorous enforcement of this principle, such cases are afforded by the nature of the relation which exists between a ship-master and all subject to the power which the law unavoidably attaches to the post wherein which the owner places him.

I am however, altogether without means of judging as to what may be the merit, in this particular, of the authorities of the place in regard to the proceedings which have arisen out of the complaint of the chief mate against the master of the Brig Kremlin. Whether those proceedings will result or not in the award of damages against the master, and whether such damages would be considered a lien upon the vessel; — or whether the expenses of the proceeding will be considered in the same light, I cannot even form a conjecture.

Properly, these are points for enquiry by your consignees; whose business it is, and not that of the Consul (very erroneously imagined by many, to have, among various other capacities, that of a general attorney, who may be called upon to interpose in, and follow up, every case wherein, on account of litigation between individuals, or

otherwise

otherwise, the authorities of the country may choose to exercise their attributes in a manner unpalatable to citizens of the United States or to the correspondents entrusted with the management of their business) to attend, as the representatives of your owners here, to all their affairs, including any litigation in which they may become involved by the misconduct of their agents or by any other means.

I have no objection, however, in the present case to do what, without acknowledging any right to demand the service of me officially, I have upon numerous other occasions done for my fellow-citizens when their proper agents seemed at a loss how, or indisposed, to prosecute business of this nature.

The inquiry which you make of me, so far as its answer depends upon the laws of this country or the decision which its authorities may make, or may have made, in the case, I will address to those authorities; and their answer shall be made known to you as soon as received. I am, Sir, very respectfully

Your Ob.t Serv.t

N. P. Trist.

P.S. Monday morning Sept.r 17. 1838. — Upon further

further reflection it appears to me decidedly advisable that the steps for ascertaining whether there be any previous condition to the departure of the Kremlin on the part of the authorities, be first taken by your consignee; and that even this should be postponed for a day or two, as their decision may, I think, be looked for hourly; and to start the question previously might perhaps be attended with a bad effect.

N.P.T.

...vana Consulate No. 134. Enclosure No. 12.

~~Sub Enclosure No. 1~~ Sub-enclosure No. 1.

Statement of the names of the Mate & Seamen, and their a/c^s for wages &c due from Brig Kremlin

William Bell, Mate, Ship^d 28th May to 25th Sept. 3.27 - c 30$	117.–
add his a/c against the vessel	4.–
	121.00
deduct 1 mo. advanced $30. Hospital money .. 80	30.80
	90.20
add 3 months Extra pay @ 30$	90.–
	$180.20
H. M. Savage Ent^d 3^d June to 7th Augt 2 mos 4 ds @ 18$	30.40
Deduct 1 mo. adv^ce $18. Cash $2. Canvass $1 - Hospital money " 40$	21.40
	17.00
Add 3 months Extra pay	54.00
Due H. M. Savage	$71.00
Jas. Low – Ent^d 3^d June to 7 Augt is 2 mos 4 ds.	38.40
Deduct 1 Mo. advance, Cash 2$ Canvass $2. Hos. Money " 40	22.40
	16.00
Add 3 months Extra	54.00
Due James Low	$70.00
Charles Millikin Ent^d 3 June to 7 Augt 2 mos 4 ds @ 18$	38.40
Deduct 1 Mo. advance, Cash. Canvass & Hosp^l. money	22.40
	16.00
add 3 months Extra	54.00
Due C. Milliken	$70.00
Wm. Cromley Col^d man Ent^d 3^d June to 4 Sept. 3 mos 1 dy @ 18$	54.60
Deduct 1 mo. advance, Cash - Canvass & Hosp^l. money	21.40
	33.20
Add 3 months Extra pay	54.00
	$87.20
Charles Williams Ent^d 3 June to 7th Augt 2 mos 4 dys @ 18$	38.40
Deduct 1 mo. adv^ce, Cash, Canvass & Hosp^l. money	21.90
	$16.50

(4)

Alexander West, Enl. 3 June to 7 Augt 2 mo. 4 ds @ $18. — 38.40

Deduct 1 Mo. advance, Cash, Canvas, Hosp. money — — — 22.40

$ 16.00

David Toft Enl. 3 June to 7 Augt 2 mo 4 ds @ 18$ — — 38.4

Deduct 1 Mo. advance, Cash, Canvas, Hosp. Money — — 22.9

$ 15.5

Recapitulation of Amounts due to each

William Bell, Mate	$180.20
Henry M Savage	71.00
James Low	70.00
Charles Milliken	70.00
William Crowley	87.20
Charles Williams	16.50
Alexander West	16.00
David Toft	15.50
	$526.40

Havana Consulate, No. 134. Enclosure No. 12.

~~Enclosure No. 2~~ Sub-enclosure No. 2.

Amounts paid to N. P. Trist Esqr. American Consul for the Port of Havana, on a/c of Owners of Brig Kremlin

Wages of William Bell for services on board as Mate

from 28th May to 25 Septr 1838 = 3 mos 27 dys @ 30$ p Mo.		117.00
For Boarding paid on Vessels a/c		4.00
		121.–
Less 1 Mo. Advance and Hospital Fees		30.80
		90.20
Three Months Extra pay		90.00
		180. 1/2

Amount of D. Warrens Bill for boarding the Crew whilst waiting to be paid their Wages	3	160.6/2
One Months Extra Wages for Henry M, Savage, James Low, Charles Milliken & Wm. Crowley Each @ 18$	3	72.00
Amot of Wages due C. Williams unpaid		16.04
		$429.04

Amot of Consuls former acct	526.3
" paid	429.4
	$96.7

Havana January 1. 1839.

5.

Havana Consulate No. 134. Enclosure No. 13.

Consulate of the United States of America

Havana, September 25th 1838.

Mrs. Maria Julia Wendell.

Brooklyn, New York.

Madam,

Your favor of the 27th August came to hand on the 13th inst; when, being in the daily expectation of learning the decision of the Authorities in the case of your husband, I counted upon having it in my power to inform you of it by the first vessel which should sail for New York.— The departure of the Rapid has, however, drawn nigh, without that expectation being realized; although, throughout every stage of the busines, nothing has been omitted on my part, to prevent unnecessary delay. The proceedings (which in this country are all in writing) are, I am informed, exceedingly voluminous; owing in a great measure, if not altogether, to the course pursued by Captain Wendell during their entire progress; which, I regret to be under the necessity of informing you, has corresponded with

the

the conduct that first occasioned his arrest.

I was aware of his having a family; and this could not but prove an additional motive for wishing to be spared the necessity of taking any step against him, and for regret when it was finally forced upon me. Should any circumstances occur in which anything in his behalf can be done by me consistently with my sense of duty, my gratification at doing it will be increased by the knowledge of that which it will afford to yourself and children.

I am, Madam, very respectfully

Your Obed^{t} Servt

N. P. Trist.

No. 135 (Havana Consulate)

Washington, June 12. 1840

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to transmit [Enclosure No. 2] the deposition of W. John A. Smith, my Vice Consul at Havana, (made before Saml. D. King, a Majistrate & Notary Public of this city) in reply to 41 interrogatories [Enclosure No. 1.] relative to the Wea-dell case and to points of general character & conduct involved therein.

It was my wish & intention, that this testimony should be taken in the presence of the Committee on Commerce of the House of Representatives. The motive for his recent visit to this city was, that he might appear before them; and for that purpose his stay was prolonged. He would have remained until the subject before the Committee had been matured to the point when they might understandingly have interrogated him, had not intelligence from Havana (as has been verbally explained to you) shewn an absolute necessity for his departure hence in full time to preclude

all

all danger of his return there being delayed later than about the end of the current month. This necessity, conjoined with the ordinary slowness of the passage at the present time of year, and the announcement of the sailing of the Barque Rapid, to leave New York last tuesday, caused his hurried departure hence on the preceding friday.

The relation which this witness occupies toward me, and the importance of his testimony with regard to my general official character & deportment, no less than to this individual case, will be my apology for again referring to the testimony in respect to his character, obtained, in pursuance of my communication No 101, from Charles W. Storey Esq. of Salem, and for suggesting further enquiry into the weight due to this evidence, at Salem and Newburyport (W. Smith's birth-place) as well as Boston, where they are both well known.

I am, Sir,

very respectfully

Your Obt. Servt.

N. P. Hill

The copyist will take care not to cut these leaves asunder.

~~Rec. with Mr. Trist's No. 135.~~

Havana Consulate No. 135 Enclosure No. 1.

Interrogatories to be put to John A. Smith, Vice-Consul of the United States of America at Havana.

1. State your name, age, place of birth, and the profession of your father.
2. Have you associated much with seafaring men?
3. How long, and how, have you been employed in the American Consulate at Havana? (answer fully.)
4. How many rooms did the office consist of, and what use were they put to? Describe them particularly, and state where you slept.
5. Where were you in the month of July 1838? and what was your state of health? Were you ever absent from the office during that month?
6. Did you ever know the Consul to insult any body who came to the office, or treat any one with rudeness?
7. Have you ever known him to be treated there with great, and altogether unprovoked, rudeness?
8. Have you ever known him to behave otherwise than forbearingly on such occasions?

J. A. Smith

9. Have you ever had any reason whatever to believe that he harboured malice against any one whatever; or that in the discharge of his official duties he would pursue a different course towards the persons most friendly to him from what he would towards those most inimical to him?

10. Have you ever known him to express, or to evince a desire to injure any body?

11. Have you ever known him to be influenced by any personal motive whatever in any thing which he did, or directed to be done, in the Office?

12. Has it, or has it not, been, for years past, matter of perfect notoriety at Havana, that, among the American residents of the place, there were a few, (at the head of whom were a Mr. Ferdinand Clark and a Dr. Bumstead,) who avowed and expressed on all occasions the bitterest hatred towards the Consul, and were eternally busy in endeavours to excite prejudice against him and to make mischief between him and the ship-masters?

13. Have, or have not, instances of this come to your knowledge?

14. Did or did not the Consul's course with reference to these machinations prove that he deemed them fit subjects only for contemptuous pity, and altogether beneath his notice?

15. Do you know any thing of the case of Captain Wendell?
16. Did you hear all that passed between himself and the Consul, and also all that passed between his chief mate (William Bell) and the Consul, at their various interviews, on the subject of the outrage that had been committed on said mate, and the demand made by the Consul for his discharge?
17. Was captain Wendell's deportment and mode of talking to the Consul civil, or was it bullying and insulting?
18. From his appearance and manner, did you form the opinion that he was, at that period, habitually excited by free indulgence in drink?
19. Was that opinion a very decided one?
20. Had you frequent occasion at that time, and in the next succeeding months, to see and converse with William Bell, the chief mate of the Kremlin?
21. Was he, or was he not, so far as you could judge, a perfectly respectable mariner of his class?
22. Did you ever see him at all intoxicated?
23. Did you ever have any reason to believe him at all addicted to drink?
24. What are your recollections in regard to the case between the master and the mate of the Kremlin? (answer fully)
25. To the best of your knowledge and belief, did or did not captain Wendell behave, throughout the whole business,

J. A. Smith.

as improperly and outrageously as any man, beside himself through a furious temper, long unbridled, and with constant liquor-excitement, could behave under like circumstances?

26. To the best of your knowledge and belief, was, or was not, the Consul's course in regard to this subject, from beginning to end, marked by extreme forbearance?

27. Had you any reason whatever to believe that the necessity forced upon him by Captain Wendell, to appeal to the authorities in behalf of the mate was otherwise than unpleasant in the last degree?

28. From your knowledge of the Consul's character, and of his department ever since you have been acquainted, do you or do you not know, as positively as you can know upon such a subject, that all contention of the sort is exceedingly painful to him?

29. Do you believe that any thing but a strong sense of duty could induce him to engage in any contention of the sort?

30. If he had been capable of sacrificing his duty to his personal comfort and interest, was it not obvious that the truest way of promoting these, in every possible way, was, to side always with ship-masters; or at least to refuse to interfere, and leave sailors and mates to shift for themselves?

31.

31. Have you ever known him to show himself other-wise than ready to render any service in his power, whether officially or personally, to any American citizen who might be in want of aid from him?

32. Have you ever known him to pay any regard to his own convenience, or even to the proper hours for taking his meals and rest, when by neglecting them he could spare trouble and delays to others?

33. Has it, or has it not, been a frequent and ordinary occurrence for him to be detained by business at the office, and to go home to his dinner many hours after every body else in Havana had dined; and has or has not such detention been not un-frequently prolonged until long after candle light?

34. What was the state of things in the harbour of Havana in regard to desertion from merchant vessels, when the present Consul went there?

35. When the sailor was oppressed or wronged in any way, had he any other recourse but to desert, and abandon in the hands of the master any amount of wages that might be due to him?

36. Is or is there not a particular class of masters un-der the American flag who make it a practice, whenever they want to get rid of a man or of a whole crew, to drive them to desert, by refusing to give them their discharge when due, or by hard

S. C. Smith.

usage in a vast variety of ways?

37. Has, or has not, this practice existed ever since you have known any thing of the state of things under our flag?

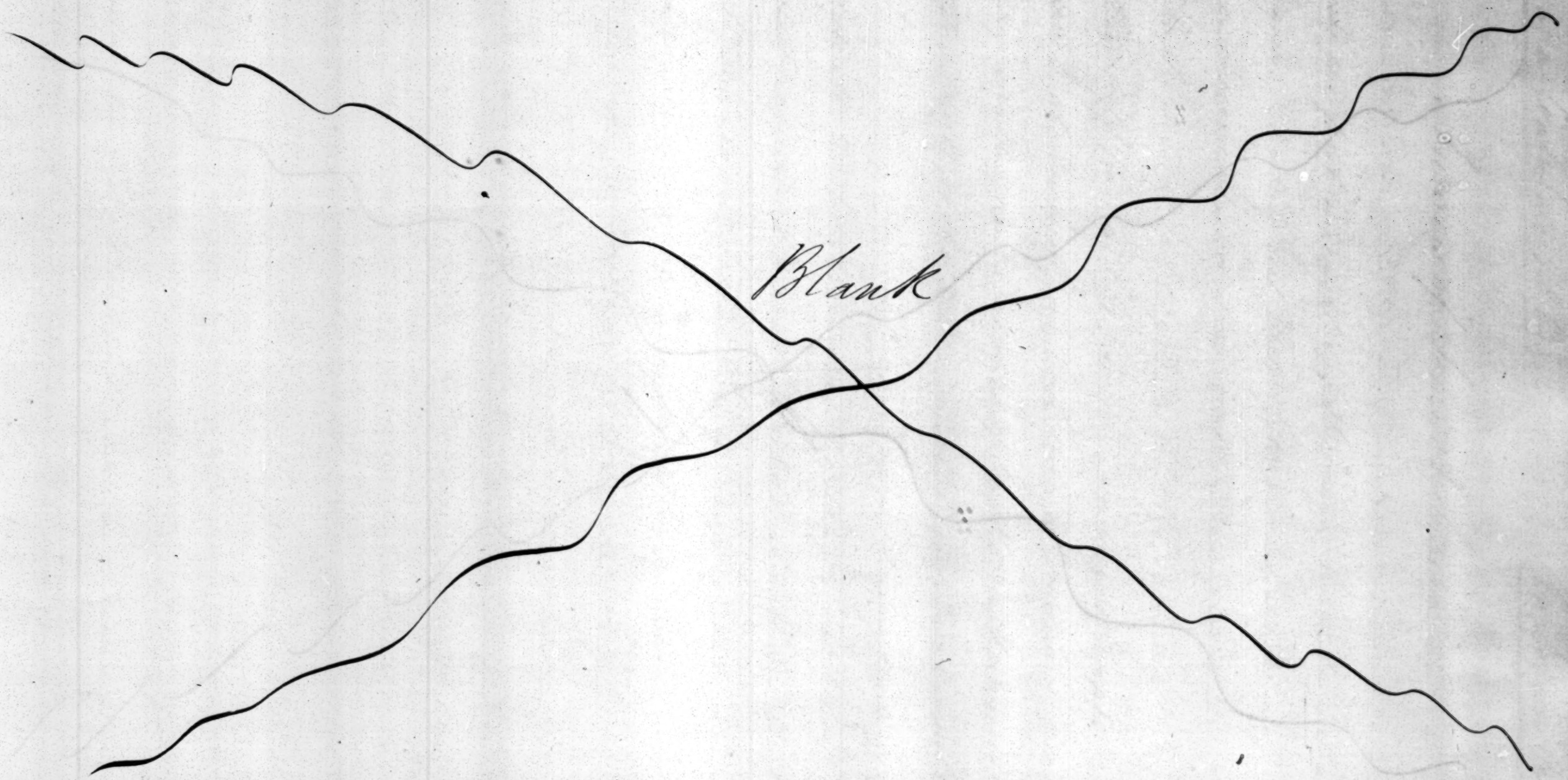
38. Has it, or has it not, been becoming more and more common?

39. Do you or do you not know positively, that the present Consul, has, almost ever since his first arrival at Havana, devoted his time and exertions, in every possible way, to the breaking up of this system of desertion?

40. Have you ever known him to spare time or effort when they could be brought to bear upon this evil; or to pay any, the slightest, regard to any enmities which his course might excite, whether on the part of residents or non-residents, merchants or crimps, captains or sailors?

41. What is the actual state of things at Havana in this respect?

J. A. Smith.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Havana Consulate No. 135. Enclosure No. 2.

Answers of John A. Smith.

1st To the first interrogatory, He says, John A. Smith, sixty years, Newburyport, State of Massachusetts, he was formerly a merchant and Ship owner.

2d To the Second interrogatory, He says, yes, most of my life: the early part as clerk in the counting room of my father and uncle at Newburyport, and since as supercargo, ship owner, ship master, and in the employ of several commission merchants at the Havana, latterly as Vice Consul there.

3d To the third interrogatory, He says, during the time of the late Mr. Shaler, the predecessor of the present Consul, being well acquainted with Mr. Shaler and with his Vice Consul, Mr. Cleveland, I was often in the office, the more so in consequence of my taking a part, at the particular desire of both those gentlemen, in all surveys ordered by the Consulate; and on two occasions, when Mr. Cleveland was ill, I discharged his duties for him. I have discharged the duties as Vice Consul, constantly ever since the latter part of the year 1834, excepting a short interval of sickness in the year 1838, and an absence of about three months on a visit to my family in the United States, in the year 1839. With these exceptions, I have never been absent from my post in the office, a single day or a single hour, during the regular office hours from 9 A.M. to 3 P.M.; and, as I lived in the house where the office was kept, and slept in a small room divided off from the inner office, I have generally been in the office at

J. A. Smith.

at all hours, from my hour of rising, about sunrise, to bed time.

4th. To the Fourth interrogatory, He says, about the middle of the year 1835, the Consulate was removed to two rooms adjoining the Custom house, one of which was used as the outer office, where I sat. The two rooms communicated by means of a very wide door, which was fastened wide open, and was never closed. My desk was close to that door, and the Consul's desk about fifteen feet off. One corner of his office was divided off, for a bedroom for me, by means of a canvass partition about seven or eight feet high; and the Consul's desk touched that partition, so that it was but a very few feet from my bed.

5th. To the fifth interrogatory, He says, for nearly three months, beginning early in May 1838, I was confined for sitting at my desk by a severe lameness, which required me to be lying down the greater part of the time. I never once left the office. Sometimes I was lying down on my bed, and sometimes sitting up in an arm chair in my room, and sometimes in one in the Consul's office.

6th. To the sixth interrogatory, He says, never to my knowledge.

7th. To the seventh interrogatory, He says, yes, on several occasions.

8th. To the eighth interrogatory, He says, never; he has always, when I have been present on such occasions, been calm and moderate, and has forborne more than I should on such occasions.

9th. To the ninth interrogatory, He says, never, I never have seen, nor do I believe that in the discharge of his official duties, he would pursue a different course.

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10th. To the tenth interrogatory, He says, never to my knowledge.

11th To the eleventh interrogatory, He says, never to my knowledge.

12th. To the twelfth interrogatory, He says, it has been.

13th. To the thirteenth interrogatory, He says, there has.

14th. To the fourteenth interrogatory, He says, it did.

15th. To the fifteenth interrogatory, He say, I do.

16th. To the sixteenth interrogatory. He says, I believe I did.

It all happened in the month of July 1838, and my answers to 5th interrogatory will show that I was so situated, that I could not well avoid hearing it all."

17th To the seventeenth interrogatory, He says, it was the latter; at their first interview, I did not see Captain Wendell, but only heard him, I expected at the time, the Consul would order him to leave the office, his tone was so insulting.

18th To the eighteenth interrogatory, He says, I did.

19th To the nineteenth interrogatory, He says, it was.

20th To the twentieth interrogatory, He says, I had.

21st To the twenty first interrogatory, He says, he was.

22d To the twenty second interrogatory, He says, I never did.

23d To the twenty third interrogatory, He says, none whatever.

24th To the twenty fourth interrogatory, He says, I was sitting in the Consul's office, a few feet from his desk, Mr Bell was sitting near to the Consul, his position was nearly back to me, but so I could hear his statement to the Consul, the conduct of Captain Wendell towards him on board the Brig Franklin; Which was to the best of my recollection, as follows: That the Captain came on board last night at 11 Clock, in liquor;

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as soon as he got on board, he, the mate, turned me; shortly after, the Captain came into the cabin and told the mate, that he must have some work done the next day; he said he would do what he could with what men he had; and said one, or some, of them was sick; some more words passed between them; the Capt. was enraged, and gave him a blow in the chest with the end of a stick, (the mate shew the mark to the Consul,) and then a blow with his fist, in his face, which obliged the mate to use his arms and hold them to prevent further violence. After holding him about a minute, he let him go. — The Captain told him he had committed mutiny, and should be put in irons. The mate replied that he would obey any orders he would give, to go to any part of the vessel; or he would go on board the guard ship, which was near, if he ordered him there; but he would not be put in irons. The Capt. then ordered him on deck; he obeyed and went on deck. The Capt. followed him with irons in his hands, and had also a pair of loaded pistols, and threatened to shoot him, if he did not allow him to put the irons on. The mate told him he might shoot, but would not be ironed. The Capt. then ordered him to go into the hold, which he did; the Capt had all the hatches put on, the hatch bars put on and secured, and nailed up the bulk heads: and he (the mate) was left in the hold until seven o'clock that morning, when the hatches

was

taken off. The mate further stated, that he suffered very much from the heat and want of fresh air, and expected he should suffocate. He found a small crack in the bulk-head seperating the cabin from the hold, there he stood with his mouth close to the crack. He tried to lie down, but could not stand it. The Capt. went on shore that morning, leaving positive orders with the second mate not to let any thing be opened until he came back. The mate further stated, that in the morning, he begged the second mate, who, he said was a nice young man, to open the cabin door and let him have some air; he said he dare not do it, he was afraid of the Capt. As soon as the hatches were off, he came up on deck. The Capt had gone on shore. The mate further stated, that he hailed an American Brig lying close to the Bremlin; the Capt. sent him a boat to bring him on board his vessel; when on board he asked the Capt of another American Brig, to let his boat put him on shore which he did; and told the mate he saw what trouble he had or was in last night. The mate said he landed at Casa Blanca, and came on to Havana in one of the harbor boats. He further stated, that he was told the day before by the Capt., at meridian, so was the second mate, that he (the Capt.) did not want either of them, and that they might leave the vessel. The Capt. was then in liquor; he was heard making a noise by Mr. Bruce who came alongside, but would not come on board; he was also seen in that state by the clerk who took the account of the lumber on board.

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The foregoing are the details, so far as I can recollect, of the statement made by Mr Bell to the Consul in my presence. On the same day, before Mr Bell saw the Consul, while I was in my bed chamber, I heard the voice of Capt Wendell talking with the Consul, the precise words I cannot recollect; but it was about his mate, Mr Bell; and from what I could gather from the language and the high tone of Capt Wendell's voice, he appeared to defy the Consul, and to try to bully him out of giving his protection to Mr Bell, and to question the right the Consul had to interfere between him and his mate. After bearing with him longer than I thought he ought to do, from a person who used such insulting language, the Consul refused to have any more conversation in that tone; Capt Wendell went out. The Consul after hearing Mr Bell's (the mate) statement, wrote a letter to the Capt requesting him to bring the shipping articles to the Consulate, which was done a day or two afterwards. As I understood, the Consul told Capt Wendell, that the mate was entitled to his discharge: again I heard the loud and boisterous voice of Capt Wendell, trying to drive the Consul from insisting on the mates discharge; and then from demanding the three months extra wages. Finding it to no purpose, he went out more boisterous than he came. The Consul then applied to the Captain General, to order the mates discharge; which order was given, and Capt Wendell and the mate were sent up to the Consulate by the Captain of the Port

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in order that the latter might be discharged before the Consul. The Consul called for the shipping articles, which Capt Wendell refused to produce, saying that the Captain General's order said nothing about extra wages, and he was not going to pay any. The Consul reported this refusal; and some days after, he received notice of a new decree of the Captain General, that Wendell must conform or go to jail. The Consul said he wished this last interview of Wendell's to be held with me; because he was so enraged against him (the Consul) that the very sight of him was enough to set him beside himself; but, as he had no cause of anger against me, there would be a chance of his behaving towards me like a rational being. Captain Wendell came to the office in company of a person to me unknown; I was in the inner office there, busy with a person; I requested Capt Wendell to sit down. After I dispatched the person, I expressed my hope that he had come to settle the business and pay the wages; and before I could say a word more, he got up from the chair, and replied very doggedly and rudely that he would not, at the same time striding across the office; I said I was sorry for it; he said I might send him to jail if I had a mind to; I said I had nothing to do about sending him to jail, but must do my duty. I went to the outer office to speak to the clerk; there and there I saw the orderly of the Captain of the Port; I asked him what he came for; he replied, that he came with the Captain by order of the Captain of the Port; I then asked him if he had the order from the mouth of the Capt; he replied yes, and held it

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up for me to see it. The deportment and language of Capt Wendell left no doubt in my mind that he actually wished to be sent to jail, and that he was pursuing the course he did for the express purpose of being sent there; in order that the enemies of the Consul, who were known to be very warm and zealous friends of his, might have a ground to operate on against him, and to raise an outcry about his putting and American Ship-master in jail. Finding he was past reasoning with, I sent the clerk of the Consulate to accompany him and the orderly back to the Captain of the Port, to make him acquainted with the result.

After they left the office, and was in the entry or gallery leading to the stairs, I heard Captain Wendell say, that they must take him on board his vessel; meaning I suppose that they should arrest him on board the Brewster.

25th To the twenty fifth interrogatory, He says, it would be difficult for any man to behave more than he did, so far as I had the means of judging.

26th To the twenty sixth interrogatory, He says, it was.

27th To the twenty seventh interrogatory, He says, I had none. And I do sincerely believe that it was very unpleasant and repugnent to his feelings, to be obliged to appeal to the authorities.

28th To the twenty eighth interrogatory, He says, I do know; And have heard him express his feelings on the subject, how very unpleasant and painful it was to him.

29th To the twenty ninth interrogatory, He says, I do not.

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30th. To the thirtieth interrogatory, He says, it was very obvious; And I am sure, had he taken the course as stated in the interrogatory, by many he would have been called, and spoken of as the best Consul of the United States.

31st. To the thirty first interrogatory, He says, never to my knowledge.

32d. To the thirty second interrogatory, He says, I never did.

33d. To the thirty third interrogatory, He says, it has been.

34th. To the thirty fourth interrogatory. He says, it was as bad as it possibly could be. A subject of universal complaint, and the cause of the most serious inconvenience and injury to all concerned. The Sailors were in the long end the great-est sufferers from it: but Captains and Merchants were put to great trouble and serious expence. When a vessel that had lost her men by desertion or death, ~~and~~ was ready for sea, crimps were employed at great expence to procure hands for her, who were stolen from other vessels. These in their turn, were supplied in the same way; and thus was desertion constantly kept agoing. The men after ~~a~~ being stolen from their Ships, would be kept hid away for a few days, engaged in drinking and all sorts of debauchery, and at the end of that time the crimp would have run up a score against them, for their months advance wages; and he would get the whole of it, besides a compensation, more or less heavy, according to the scarcity of men, from the Captain to whom they were furnished.

35th. To the thirty fifth interrogatory, He says, he had no other

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It was known to every body that for sailors to be driven from their Ships was an every day thing; and that it was beyond the Consuls control. If he pretended to call the master to account, it could scarcely serve any other purpose than to expose him to defiance and insult, without doing any good to the sailor. All the master had to do was, when his vessel was ready for sea, to come to the consulate and demand to have his oath taken that his men had deserted; and the certificate which he took was sure to save him from all trouble from the boarding officer when he got back to the United States.

36th. To the thirty sixth interrogatory, He says, there is.

37th. To the thirty seventh interrogatory, He says, it has. And more particularly so, within a few years.

38th To the thirty eighth interrogatory, He says, it has.

39th. To the thirty ninth interrogatory, He says, I do.

40th. To the fortieth interrogatory, He says, not to my knowledge.

41st. To the forty first interrogatory, He says, owing to the system of police which the Consul has succeeded in getting the local authorities to establish, and which is maintained solely by his vigilence and inflexibility, it is now, and has for sometime been, next to impossible for a sailor to desert, or to be driven from his vessel, without being arrested in the course of a few hours, and brought before the Consul. In this way, he is either returned to his vessel, or the master, if the sailor is entitled to his discharge

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or it suits both parties that he should be discharged, is compelled to come forward and discharge him according to American law. The consequence is, that the practice of desertion, whether with or without the connivance of the master, and the practice of driving men, has become rare, and must continue to decrease so long as the System established by the Consul shall be maintained in full vigor. A very great difficulty in doing this is, however, produced daily by the three months extra wages law, which operates as a great handship upon the merchant and ship-owner without any correspondent benifit to the Sailor; and constantly presents a very strong temptation to get rid of Sailors by means of contrivances to evade the law of the United States and the regulations which the Consul has succeeded in getting established at Havana.

J. A. Smith

I, John A. Smith, Vice Consul of the United States of America, do hereby declare that the foregoing are my answers, freely given, to the best of my recollection, knowledge and belief, to the forty one Interrogatories hereunto attached: and for the identification of said interrogatories and answers, I have signed my name at the foot of each leaf on which they are written.

Washington City June 5th 1840.

J. A. Smith.

Signed

Signed in the presence of
W. S. Derrick J. S. Ringgold

Wm J Randolph Wm C. Nutt

The United States of America
District of Columbia, County of Washington, to wit

On the day of the date hereof before me Samuel Davidson King a Justice of the Peace, and also a Notary Public, in and for the said County duly appointed and Commissioned according to law, personally appeared the signer (J. A. Smith) of the foregoing, who being duly sworn did declare the same to be true and correct, which declaration was made in the presence of the witnesses who have also signed the same in my presence. In testimony whereof I have hereunto set my Hand and affixed my Official Seal as Notary Public as aforesaid, at the City of Washington, this fifth day of June in the year of our Lord One thousand eight hundred and forty.

SAMUEL D. KING NOTARY PUBLIC WASHINGTON CITY

Saml D King
Justice of the Peace
& Notary Public

Rec'd 23rd July
Mr. Kinggold — to be transmitted to the Chairman of the Com. of Com^ce — H. of R.

No. 136. (Havana Consulate)

Washington, June 20. 1840

Hon John Forsyth
Secretary of State.

Sir,

I have the honor now to transmit Enclosure No. 1. to my communication No. 84.

I am, Sir,
very respectfully,
Yr obsero^t.
A. P. Hill.